

# Public Document Pack



## Development Management Committee

**Monday, 7 June 2021 6.30 p.m.  
The Bridge Suite, Halton Stadium,  
Widnes**

A handwritten signature in black ink, appearing to read 'David W R', written over a light grey rectangular background.

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Stan Hill (Chair)
Councillor Rosie Leck (Vice-Chair)
Councillor John Abbott
Councillor John Bradshaw
Councillor Chris Carlin
Councillor Noel Hutchinson
Councillor Alan Lowe
Councillor Ged Philbin
Councillor Rob Polhill
Councillor John Stockton
Councillor Dave Thompson

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or  
[ann.jones@halton.gov.uk](mailto:ann.jones@halton.gov.uk) for further information.  
The next meeting of the Committee is on Monday, 5 July 2021*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 4</b>
<b>2. DECLARATIONS OF INTEREST</b>	
<p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.</p>	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	
(A) <b>20/00544/FUL</b> - Proposed conversion and extension of the former tyre depot for re-use as a self-storage facility, self-contained offices, counter and business units, including two new mezzanine floors within the warehouse at former ATS Building, Tanhouse Lane, Widnes, WA8 0RR	<b>5 - 21</b>
(B) <b>20/00607/FUL</b> - Proposed erection of 26 Light Flexible Industrial Units (use classes E(g) and B8) with associated landscaping, parking and access on land to North of junction of Warrington Road and Domino Court, Runcorn, Cheshire	<b>22 - 33</b>
(C) <b>21/00038/FUL</b> - Proposed erection of Industrial Building, lean-to canopy and silo, ancillary to existing operations at Devenish Nutrition, Earle Road, Widnes, WA8 0GY	<b>34 - 43</b>
(D) <b>21/00059/FUL</b> - Proposed demolition of existing building and erection of 37 no. over 55 retirement living apartments and associated works including car parking, cycle parking, external bin store area and landscaping at former Upton Medical Centre and adjacent land, Bechers, Widnes, WA8 4TE	<b>44 - 56</b>
(E) <b>PLANS</b>	<b>57 - 76</b>

***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 12 April 2021 held remotely*

Present: Councillors Nolan (Chair), Carlin, R. Hignett, V. Hill, J. Lowe, C. Plumpton Walsh, Thompson and Woolfall

Apologies for Absence: Councillors June Roberts and Zygadlo

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, J. Eaton, G. Henry, K. Thompson and I. Dignall

Also in attendance: The Committee meeting was streamed live via You Tube

**ITEMS DEALT WITH  
UNDER DUTIES  
EXERCISABLE BY THE COMMITTEE**

*Action*

*The Committee took part in a minutes silence in honour of His Royal Highness The Prince Philip, Duke of Edinburgh, following his sad passing.*

**DEV35 MINUTES**

The Minutes of the meeting held on 2 March 2021, having been circulated, were taken as read and signed as a correct record.

**DEV36 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE**

The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.

**DEV37 20/00445/OUT - OUTLINE APPLICATION, WITH ALL MATTERS RESERVED, FOR A B2/B8 DEVELOPMENT INCLUDING ANCILLARY OFFICE SPACE/STAFF FACILITIES (USE CLASS B1) WITH ASSOCIATED LOADING BAYS, HGV/CAR PARKING, LANDSCAPING, PEDESTRIAN/CYCLE CONNECTIONS AND ASSOCIATED INFRASTRUCTURE ON LAND OFF NEWSTEAD ROAD BOUNDED BY THE LONDON & WESTERN RAILWAY & DITTON BROOK, WIDNES**

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

The Committee was addressed by Mr Smith, who was the planning agent for the applicant. He described the site in question, its size and location and advised that the proposal was in accordance with all required planning policies and had received no objections following the consultation. He also introduced the developer and stated it was the intention that the site be marketed should an outline planning permission be granted.

It was noted that planning permission for a B2/B8 development had been granted on this site previously, but this had now lapsed.

The Committee agreed that outline planning permission be approved subject to the conditions listed.

RESOLVED: That outline planning permission be granted subject to the following conditions:

1. Time limit – outline permission;
2. Submission of reserved matters;
3. Development parameters;
4. Floorspace restriction;
5. Removal of permitted development rights;
6. Restriction on construction hours (BE1);
7. Vehicle manoeuvring alarm details (BE1);
8. Restriction of external storage (E5);
9. Piling Risk Assessment (PR14 and CS23);
10. Dealing with unidentified contamination (PR14 and CS23);
11. No drainage system for infiltration of surface water (PR14 and CS23);
12. Sustainable Urban Drainage System (PR16 and CS23);
13. Verification of Sustainable Urban Drainage System (PR16 and CS23);
14. Implementation of Mitigation Measures set out in the Flood Risk Assessment (PR16 and CS23);
15. Construction Environmental Management Plan (BE1, GE21 and CS20);
16. Bird nesting boxes scheme (GE21 and CS20);
17. Breeding birds protection (GE21 and CS20);
18. Reasonable avoidance measures – badgers and hedgehogs (GE21 and CS20);
19. Reasonable avoidance measures – reptiles and amphibians (GE21 and CS20);

20. Pre commencement inspection of Ditton Brook (GE21 and CS20);
21. Scheme detailing the installation of green walls to provide habitat for invertebrate species and planting scheme of native species of shrub, and grassland and wildflower mixes on the grassed areas, native shrub and grassland species (GE21 and CS20);
22. Scheme for the management / eradication of Indian Balsam;
23. Lighting scheme (BE1, GE21, PR4, CS20 and CS23); and
24. Waste audit (WM8).

DEV38 20/00536/FUL - PROPOSED EMPLOYMENT DEVELOPMENT COMPRISING 13 UNITS TOTALLING 2545 SQ METRES TO PROVIDE E(G), B2 & B8 USES ON LAND TO THE WEST OF JUNCTION BETWEEN HARDWICK ROAD AND ASTMOOR ROAD, RUNCORN, CHESHIRE

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

The Committee agreed that the application be approved, subject to the conditions listed.

RESOLVED: That planning permission be approved subject to the following conditions:

1. Time limit – full permission;
2. Approved plans;
3. Restriction of use;
4. Restriction on external storage (BE1 and E5);
5. Proposed site levels (BE1);
6. External facing materials (BE1 and BE2);
7. Implementation of landscaping scheme (BE1);
8. Retention of hedgerows (BE1);
9. Implementation of tree protection measures (GE27);
10. Breeding birds protection (GE21);
11. Reasonable avoidance measures – hedgehogs (GE21 and CS20);
12. Bat and bird nesting boxes scheme (GE21 and CS20);
13. Provision and retention of parking and servicing (BE1);
14. Cycle parking scheme (BE1);
15. Electric vehicle charging point scheme (CS19);
16. Implementation of travel plan (TP16);
17. Implementation of pedestrian link to busway (TP7 and

TP15);

18. Implementation, maintenance and management of sustainable urban drainage scheme (PR16 and CS23);

19. Foul and surface water on separate system (PR16 and CS23); and

20. Waste audit (WM8).

DEV39 21/00138/P3JPA - PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE FROM OFFICE TO 19 NO. FLATS (USE CLASS C3) (PRIOR APPROVAL APPLICATION) FIRST FLOOR AND GROUND FLOOR ACCESS, FORMER CO-OP BUILDING, LUGSDALE ROAD, WIDNES, WA8 6DJ

Officers advised the Committee that the applicant had made contact to request the withdrawal of the application in order to make some amendments.

Therefore the application would be deferred to a future meeting of the Committee for consideration.

RESOLVED: That the application be deferred.

*The Chair gave his thanks to Members of the Development Control Committee and supporting Officers for their hard work and commitment to their roles, during what has been a very challenging year.*

*On behalf of the Committee, he also wished Councillors Ron Hignett, Geoff Zygadlo and June Roberts the very best of luck for the future, as they would be leaving the Council.*

*Meeting ended at 6.45 p.m.*

<b>APPLICATION NO:</b>	20/00544/FUL
<b>LOCATION:</b>	Former ATS Building, Tanhouse Lane, Widnes, WA8 0RR.
<b>PROPOSAL:</b>	Proposed conversion and extension of the former tyre depot for re-use as a self-storage facility, self-contained offices, counter and business units including two new mezzanine floors within the warehouse.
<b>WARD:</b>	Halton View
<b>PARISH:</b>	None
<b>APPLICANT:</b>	The Storage Team Limited
<b>AGENT:</b>	Owen Ellis Architects, Honeycomb, Edmund Street, Liverpool, L3 9NG
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Primarily Employment Area – Unitary Development Plan Proposals Map.
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	One representation received from the publicity given to the application.
<b>KEY ISSUES:</b>	Development in a Primarily Employment Area, Highways and Transportation, External Appearance.
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The site subject of the application is the Former ATS building located on Tan House Lane in Widnes. The site is located on the junction of Fiddlers Ferry Road which is a main route through the borough.

The site is located in the Primarily Employment Area as designated by the Halton Unitary Development Plan.

The area on the South Eastern side of Fiddlers Ferry Road where the application site is located is predominantly commercial in nature.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the site as Primarily Employment. This is now a material planning consideration, however at this point carries little weight in the determination of this planning application.

### 1.2 Planning History

The site has no recent relevant planning history.

## 2. **THE APPLICATION**

### 2.1 The Proposal

The application proposes the conversion and extension of the former tyre depot for re-use as a self-storage facility, self-contained offices, counter and business units.

### 2.2 Documentation

The application is accompanied by the associated plans (all viewable through the Council's website) in addition to a Design and Access Statement and a Phase 1 Desk Study.

## 3. **POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **THE DEVELOPMENT PLAN**

#### 3.1 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a Primarily Employment Area on the Halton Unitary Development Plan Proposals Map.

The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- E3 Primarily Employment Areas;
- E5 New Industrial and Commercial Development;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodland;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP1 Public Transport Provision as Part of New Development;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;

- TP12 Car Parking;
- TP17 Safe Travel For All.

### 3.2 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of particular relevance:

- CS1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development;
- CS4 Employment Land Supply and Locational Priorities;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS23 Managing Pollution and Risk;
- CS24 Waste.

### 3.3 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout of New Development.

## **MATERIAL CONSIDERATIONS**

Below are material considerations relevant to the determination of this planning application.

### 3.4 Halton Borough Council – Design of New Commercial and Industrial Development Supplementary Planning Document.

The purpose of this Supplementary Planning Document (SPD) is to complement the Halton Unitary Development Plan (UDP), to provide additional practical guidance and support for those involved in the planning of new development within Halton Borough to: -

- a. Design new industrial and commercial developments that relate well and make a positive contribution to their local environment;
- b. Seek the use of quality materials which respond to the character and identity of their surroundings and reduce environmental impact such as through energy efficiency; and
- c. Create better, more sustainable places

### 3.5 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

#### Achieving Sustainable Development

Paragraph 7 of the NPPF states that *the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

Paragraph 8 states that *achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 9 states that *these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

Paragraph 10 states so that *sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. As set out in paragraph 11 below:*

#### The Presumption in Favour of Sustainable Development

Paragraph 11 states that *for decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

### Decision-making

Paragraph 38 states that *local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

### Determining Applications

Paragraph 47 states that *planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.*

### 3.6 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## 4. **CONSULTATIONS SUMMARY – FULL RESPONSES CAN BE LOCATED AT APPENDIX 1.**

Highways and Transportation Development Control – No objection.

Contaminated Land Officer – No objection.

Lead Local Flood Authority – Objection raised.

Regeneration – No objection.

Natural England – No objection.

## 5. **REPRESENTATIONS**

5.1 The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 13/05/2021, two site notices posted on 15/10/2020 and eighty-three neighbour notification letters sent on 15/10/2020.

5.2 One representation has been received from the publicity given to the application. The following issues have been raised:

- The proposal would invade privacy;
- There are plenty of storage facilities in the town and it should be converted into something the town needs.

## 6. **ASSESSMENT**

### 6.1 Principle of Development

The site is designated as a Primarily Employment Area on the Halton Unitary Development Plan Proposals Map. The application proposes the conversion and extension of the former tyre depot for re-use as a self-storage facility, self-contained offices, counter and business units.

Policy E3 of the Halton Unitary Development Plan states that development falling within Use Classes B1 (Business), B2 (Storage and Distribution), B8 (Storage and Distribution) and Sui Generis industrial uses will be permitted in a Primarily Employment Area.

The application form sets out that the resultant floorspace from the proposed conversion and extension would be used for the following purposes:

Use Class B2 – General Industrial 357sqm

Use Class B8 - Storage or Distribution 996sqm – Ground Floor, 1684sqm – First Floor and 1701sqm – Second Floor – Totalling 4381sqm.

Use Class E(c) – Office 126sqm

Use Class E(a) - Display or retail sale of goods, other than hot food 121.7sqm

The principle of both Use Class B2 and Use Class B8 in this location is therefore acceptable. The one representation received states that there are plenty of storage facilities in the town. A storage use is considered an acceptable use in this area and a refusal on the basis that there are already plenty of storage facilities in the town cannot be sustained.

The use of small parts of the building for both Use Class E(c) and Use Class E(a) are considered to be ancillary to the overall operation of the site and acceptable in an Employment Area.

It is considered that a subsequent planning permission should be restricted to the uses applied for to ensure that the site remains sympathetic to the surrounding area.

Based on the above, the principle of development is considered to be acceptable in compliance with Policy E3 of the Halton Unitary Development Plan.

## 6.2 Highways and Transportation

The Highway Officer notes that the uses proposed for the reconfigured/extended building are in keeping with the surrounding commercial area.

In relation to access, the existing unit is well established with vehicular access provided off Aston Lane.

The Highway Officer noted that there was scope to improve the pedestrian access to the site given the site's relationship to the adopted highway and this provision could be secured by condition. The applicant has now updated the proposed site layout

plan to show such provision. A condition would secure the implementation of the pedestrian link and its maintenance thereafter.

In terms of trip generation the local network is considered appropriate for the scale of development and the Highway Officer raises no concerns regarding impact on the operational capacity of the surrounding network.

There are adopted footways to Tan House Lane and with uncontrolled crossing points to onward links. The site is considered sustainable in terms of access to bus services.

The Highway Officer does have some residual concerns over the suitability of the proposal due to the size of the extension and proposed car parking layout, however does not raise an objection to the proposal noting that the applicant would have a more in depth understanding with regards to the servicing requirement for the proposed unit.

The proposed car parking levels are considered to be appropriate for the scale and use and note that provision has been made for disabled bays. A condition would secure the implementation of the parking and servicing areas and maintenance thereafter.

It is noted that cycle storage should be provided in an accessible overlooked location and be of a type that will accommodate for anticipated dwell times. Further details on this have now been provided by the applicant which show an appropriate level of covered provision in a visible location. A condition would secure the implementation of the cycle storage and its maintenance thereafter.

From a highway perspective, the attachment of the suggested conditions would ensure that the proposal is considered to be compliant with Policies BE1, TP1, TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan.

### 6.3 Site Layout and External Appearance

The reconfigured and extended building would result in additions to both the North West and south east of the existing building. The addition to the south east is modest in dimension and would not be highly visible due to its location. The addition to the North West would extend towards Fiddlers Ferry Road which is a main route through the borough. This would increase the prominence of the site somewhat. In an attempt to ensure satisfactory appearance on this prominent corner plot, the applicant has introduced a large amount of glazing as well as different cladding to make a feature of this element of the building. This approach is accepted.

It is noted that the proposal would result in the loss of one tree located on the Fiddlers Ferry Road boundary to facilitate the proposed extension, however the proposal seeks to retain other trees located on the site which are adjacent to Tan House Lane / south eastern corner of the site. It is not considered that the refusal of the application based on the loss of the one tree located on the Fiddlers Ferry Road boundary especially given the strong tree line which exists along the road. Based on the site

layout, there is limited scope for additional soft landscaping however it is considered reasonable to attach a condition securing the implementation of an appropriate boundary treatments scheme along with a condition securing tree protection measures for the trees to be retained during construction works at the site. In relation to tree works, it is considered reasonable to attach a condition ensuring protection for breeding birds.

The one representation received raised concerns that the proposed development would invade privacy. It is considered that the proposed building is sufficiently distant from neighbouring buildings to ensure that light and privacy are not unduly compromised.

In respect of layout and external appearance the proposal is considered to be compliant with Policies BE1, BE2, E5 and GE27 of the Halton Unitary Development Plan.

### 6.4 Flood Risk and Drainage

The site subject of the application is located in Flood Zone 1 and is less than 1ha in area. The site is not located in a Critical Drainage Area. Based on this, a Flood Risk Assessment is not required to accompany the application.

In relation to drainage, the Lead Local Flood Authority objected to the application on the basis that no information on flood risk or drainage has been provided to accompany the application. The applicant has now submitted existing and proposed drainage plans to accompany the application. Further observations from the Lead Local Flood Authority have not been received at the time of writing this report.

It is considered that the attachment of a condition securing the implementation, maintenance and management of the sustainable drainage scheme would ensure that the proposal is acceptable in terms of flood risk and drainage in compliance with Policy PR16 of the Halton Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and the National Planning Policy Framework.

### 6.5 Ground Contamination

On original submission, the Contaminated Land Officer noted that the risks for the site in terms of the proposals and the historical use are low, but had advised that there should be a preliminary risk assessment (including a site recon) to clarify the situation. The applicant has submitted a Phase 1 Desk Study which provides an assessment in relation to ground contamination which advises that:

*A Phase 2 Intrusive Investigation will be required to gather information on:*

- The degree of contamination of the made ground.*
- Geotechnical properties of the underlying superficial deposits.*

It is considered that this can be secured by appropriately worded planning condition. The attachment of the suggested condition would ensure that the proposal is compliant with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

### 6.6 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development in relation to sustainable development and climate change.

NPPF is supportive of the enhancement of opportunities for sustainable development and it is considered that any future developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

The incorporation of facilities for charging plug-in and other ultra-low emission vehicles for this development is considered reasonable. The scheme now presented by the applicant which includes two floor fastened electric vehicle charging points which serve four of the parking bays is considered acceptable. The implementation and maintenance of this provision should be secured by condition.

Based on the above, the proposal is considered compliant with Policy CS19 of the Halton Core Strategy Local Plan.

### 6.7 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. In terms of waste prevention, construction management by the applicant will deal with issues of this nature. It is considered reasonable to attach a condition ensuring that a waste audit for the site is submitted prior the first occupation of the reconfigured and extended building.

In terms of on-going waste management, the proposed layout ensures that sufficient space is available for such provision.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan and policy CS24 of the Halton Core Strategy Local Plan.

### 6.8 Planning Balance

There is a presumption in favour of granting sustainable developments set out in NPPF where the proposal is in accordance with an up-to-date development plan. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is considered that the development plan policies referenced are in general conformity with the NPPF, therefore up-to-date and full weight should be given to these.

The proposal would convert and extend this existing vacant building in a manner which would be sympathetic to surrounding land uses and accords with the policy requirements for the site's location within a Primarily Employment Area as well as securing potential future jobs for the Borough. It is considered that the proposal is acceptable for the reasons set out in the report and that this proposal represents sustainable development which is in accordance with an up-to-date development plan.

## **7. CONCLUSIONS**

The proposal would convert and extend this existing vacant building in a manner which would be sympathetic to surrounding land uses and accords with the policy requirements for the site's location within a Primarily Employment Area.

The site is served by a well-established access point from Aston Lane which is considered acceptable. The layout demonstrates an appropriate level of car parking for the use/amount of development proposed. Suitable pedestrian links and cycle parking provision can be achieved to serve the proposed development via the conditions suggested.

The proposal would increase the prominence of the site on the corner of Tanhouse Lane and Fiddlers Ferry Road, however the applicant ensures satisfactory appearance through the introduction of a large amount of glazing as well as different cladding to make a feature of this element of the building. The overall proposal is considered to be a well-designed development reflecting its location within this commercial location.

The proposal is therefore considered to be acceptable.

## **8. RECOMMENDATION**

Grant planning permission subject to conditions.

## **9. CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Restriction on Use.
4. External Facing Materials (Policies BE1 and BE2)
5. Boundary Treatments Scheme (Policy BE1)

6. Parking and Servicing – (Policy BE1)
7. Electric Vehicle Charging Point Scheme – (Policy CS19)
8. Cycle Parking – (Policies BE1 and TP6)
9. Pedestrian Improvement Scheme – (Policies BE1 and TP7)
10. Tree Protection Measures – (Policy GE27)
11. Breeding Birds Protection – (Policies GE21 and CS20)
12. Ground Contamination – (Policies PR14 and CS23)
13. Drainage Strategy – (Policies PR16 and CS23)
14. Foul and Surface Water on a separate system – (Policies PR16 and CS23)
15. Waste Audit – (Policy WM8)

## **10. BACKGROUND PAPERS**

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection by contacting [dev.control@halton.gov.uk](mailto:dev.control@halton.gov.uk)

## **11. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

## **APPENDIX 1 - Full Consultation Responses.**

### 1. Highways and Transportation Development Control.

In general the end use is considered to be a suitable and in keeping with the surrounding commercial area.

There are however some points we would raise that may require amendments to plans or suitably worded conditions.

#### **Access**

The existing unit is well established and takes access off Tan House Lane via Aston Lane (which is an unadopted private street) vehicular access is therefore appropriate but it is unclear how non-motorised users gain access to the site?

*We would ask for clarification on pedestrian access to ensure compliance with policy TP8 point 1.*

Note the red line plan shown on the submitted plan appears to abut highway verge therefore pedestrian access could be provided via a new pedestrian link connecting to existing footway. This would require the agreement of the Highway Authority and works carried out via a suitable licence.



In terms of trip generation the local network is considered appropriate for the scale of development and the Highway Officer raises no concerns regarding impact on the operational capacity of the surrounding network.

### **Sustainable modes of travel**

There are adopted footways to Tan House Lane and with uncontrolled crossing points to onward links.

The site is considered to meet the requirements set out in TP1 of the UDP and therefore the site is considered sustainable in terms of access to bus services.

### **Servicing**

We acknowledge that the applicant will have a more in depth understanding with regards to the servicing requirement for the proposed unit but the Highway Authority do have some residual concerns over the suitability of the proposal due to the size of the extension and proposed car parking layout.

The plans show a turning circle for an articulated vehicle to the South of the unit which relies on parking spaces being clear, although this is potentially controllable it would not suit other uses within the class that required a higher level of servicing.

In terms of servicing the statement mentioned smaller lorries but no tracking details are shown for how these vehicles will access and service the site, in particular the access doors to the Western elevation.

Additionally the turning circle (shown below) potentially conflicts with kerbing, the demarcation shown on the plans may however not involve vertical faces.



### Car Parking

The proposed car parking levels are considered to be appropriate for the scale and use and we note that provision has been made for disabled bays

*We would recommend that the area of landscaping shown below be reviewed to improve accessibility of the adjacent car parking bay.*

*Additionally the disabled bay shown on the plan extract below should have hatching to both side or be adjacent to a paved pedestrian area.*



*EV charging provision should be included in the proposed car parking provision and for a scheme of this size we would recommend 2 number bays be provided prior to the unit being brought into use and a further 2 bays be first fixed to futureproof for increased demand. A suitably worded condition is considered appropriate.*

### Cycle provision

Cycle storage should be provided in an accessible overlooked location and be of a type that will accommodate for anticipated dwell times.

In terms of level of provision the number of stands shown on the plans is considered acceptable as is the location, near the foyer but as referenced above it is not clear how non-motorised users (which should include cyclists) access the site.

*We would recommend that a covered element be included to accommodate longer dwell times.*

*A condition could be applied to submit full details for approval post decision.*

2. Contaminated Land Officer.

I've had some recent discussions with a consultancy undertaking a desk study for that site, so I presume there will be some information available. The risks for the site in terms of the proposals and the historical use are low, but I think there should at least be a preliminary risk assessment (including a site recon) to clarify the situation for the purposes of the planning decision. In terms of wording for a condition, it probably should be the full contaminated land one, as just conditioning a preliminary assessment means there's no control on actual site works if the initial review deems it necessary.

3. Lead Local Flood Authority

After reviewing 20/00544/FUL planning application, the LLFA has found the following:

- The site is approximately 0.4ha in size and is a brownfield site comprising an existing industrial building and car parking area.
- The proposed development is classed as 'Less vulnerable', according to the Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change (paragraph 066). The proposed development may increase the total impermeable area of the site.
- Review of flood risk at the location for the proposed development found that the site is located within Flood Zone 1, at very low surface water flood risk and outside of the extents of reservoir flooding.
- The Halton Borough Council *Strategic Flood Risk Assessment* shows the site is not located within a Critical Drainage Area.
- Review of watercourses in the area found the following:
  - o The closest watercourse is an unnamed drain, located approximately 50m north east of the site, along Fiddlers Ferry Road;
  - o The St Helens Canal is located approximately 670m south of the site; and
  - o River Mersey is located approximately 900m south of the site, further south of the Canal.
- The applicant has provided the following relevant documents:
  - o *Design & Access Statement*, prepared by Owen Ellis Architects, reference 4180N01H, dated 02.10.2020;
  - o *Existing Site Plan* drawing, prepared by Owen Ellis Architects, number 4180/SK01, dated 02.10.2020; and
  - o *Proposed Site Plan* drawing, prepared by Owen Ellis Architects, number 4180/SK04, dated 06.10.2020.
- No information on flood risk or proposed surface water drainage has been provided.

Based on the above, the LLFA considers the applicant has not adequately assessed the site with regards to the drainage hierarchy.

The LLFA would require the following information to be provided, in a form of a drainage strategy:

- Proposed surface water discharge point, following the hierarchy of preference (as per the *Planning Practice Guidance*): infiltration, watercourse, surface water sewer, combined sewer. Infiltration tests would be required to demonstrate whether soakaway is feasible. It should be noted that United Utilities also apply this strictly, and detailed consideration of the hierarchy will need to be demonstrated in supporting documentation.
- Proposed discharge rate - appropriate discharge rates should be calculated for 1, 30 and 100yr flood events for use in drainage design. In line with NPPF this should be attenuated to Greenfield rates for greenfield sites/site area, and as close as possible to greenfield rates for brownfield areas. Climate change should be considered appropriately.
- Proposed drainage layout, indicating runoff areas and calculations provided including attenuation. Interceptors/filtration may also be deemed appropriate in accordance with SUDS hierarchy/guidance.
- Details of the implementation, maintenance and management of the sustainable drainage (SuDS) scheme for the disposal of surface water in accordance with the SuDS hierarchy. This should be reported within the Drainage Strategy, this should include the following details:
  - o A management and maintenance plan for the lifetime of the development which shall include the arrangements for i) drainage to soakaway, including calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime or ii) if i) not feasible connection to any system adopted by, any public body or statutory undertaker.
  - o Interceptors, attenuation structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield runoff rates for the new hardstanding areas as a minimum, with additional improvements for existing runoff where practical. Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + 40% climate change allowance).

The LLFA recognise that the applicant may wish to utilise the existing surface water drainage system. If that is the case, the LLFA require the applicant to provide information on the existing discharge point and rate, and assessment of change of impermeable areas due to the proposed changes, and their impact on the existing system.

The applicant has not provided sufficient details for the LLFA to make an informed decision on this planning application. The LLFA would therefore object to the application as proposed and would recommend the applicant provides the information and documents detailed above.

#### 4. Regeneration.

My main comment is that due to its prominent location on the roundabout which is the entrance to the north to the HH office and the new residential development and

also potentially to residential to the south it needs to be visually to a high standard with well-maintained landscaping and perimeter fencing.

### 5. Natural England.

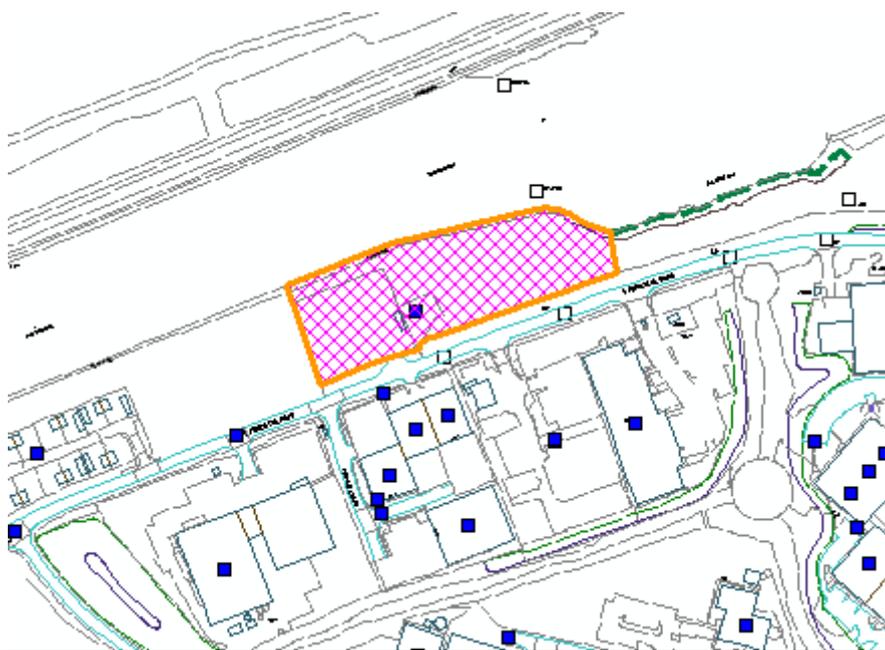
Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

<b>APPLICATION NO:</b>	20/00607/FUL
<b>LOCATION:</b>	Land to north of junction of Warrington Road and Domino Court, Runcorn, Cheshire
<b>PROPOSAL:</b>	Proposed erection of 26 light flexible industrial units (Use Classes E(g) and B8) with associated landscaping, parking and access
<b>WARD:</b>	Daresbury
<b>PARISH:</b>	Sandymoor
<b>APPLICANT:</b>	Riverside Estates (NW) Ltd
<b>AGENT:</b>	Harry Dodd, Nuko Planning
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Unitary Development Plan (2005)	Primarily Employment Area (E3) and Designated Greenspace (GE6)
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	None
<b>KEY ISSUES:</b>	Principle of Development, Design and Layout, Highways and Access, Loss of Greenspace, Ecology and Habitats.
<b>RECOMMENDATION:</b>	Approve subject to conditions and S106 agreement to secure a financial contribution to mitigate loss of priority habitat and greenspace.
<b>SITE MAP</b>	
	

## **1. APPLICATION SITE**

### **1.1 The Site**

The application site covers an area of comprises 1.35 hectares, which encompasses the site of a former cement batching plant in the western part of the site, and an area of protected greenspace in the eastern part. The former batching plant area consists of a concrete yard enclosed by a high level fence, whereas the area of greenspace consists of shrub land, with hard-core in areas, and some signs of historic tipping and debris.

The site is approximately 3.5km north east of Runcorn Old Town, it is bound by the Manchester Ship canal to the north, and Warrington Road to the south. The cement batching site has an existing access taken directly off Warrington Road.

### **1.2 Planning History**

The site has no recent relevant planning history.

## **2. THE APPLICATION**

### **2.1 The Proposal**

The application seeks planning permission for the erection of 26 light flexible industrial units (Use Classes E (g) and B8) with associated landscaping, parking and access.

Use Class E (g) comprise of those lighter employment users which can generally be carried out without a detriment to amenity and include, offices to carry out any operational or administrative functions, research and development of products or processes, and industrial processes. Use Class B8 is for storage or distribution.

### **2.2 Documentation**

The application is accompanied by the associated plans in addition to a Planning Statement, Design and Access Statement, Transport Statement, Contaminated Land Desk Study Report, Flood Risk Assessment, Phase 1 Ecology and Bat Survey Report and Arboricultural Report.

## **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **THE DEVELOPMENT PLAN**

#### **3.1 Halton Unitary Development Plan 2005 (UDP)**

The site is designated as part Primarily Employment Area, and part Greenspace on the Halton Unitary Development Plan Proposals Map. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development
- BE2 Quality of Design
- GE6 Protection of Designated Greenspace
- GE21 Species Protection
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- E3 Primarily Employment Areas
- E5 New Industrial and Commercial Development

### 3.2 Halton Core Strategy 2013 (CS)

The following policies, contained within the Core Strategy are of particular relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

### 3.3 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout of New Development

## **MATERIAL CONSIDERATIONS**

Below are material considerations relevant to the determination of this planning application.

### 3.4 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

### 3.5 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## **4. CONSULTATIONS**

### Highways and Transportation Development Control (Highways)

No objection to the principle of the proposed development, subject to conditions.

### Open Spaces

The proposals appear to seek development on private land that does not appear to impact upon HBC managed/owned land. There are no formal tree or Nature Conservation constraints associated with the proposed development plot.

### Merseyside Environmental Advisory Service (MEAS) – Ecology and Waste Advisor

No objection, subject to a conditions relating to a construction environmental management plan, lighting details, protection of nesting birds, provision of bird nesting boxes, Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs, invasive species and site waste management. Compensation will also need to be agreed and secured for the loss of priority habitat.

MEAS have considered the potential significant effects on Mersey Estuary (SPA/Ramsar and SSSI), and concluded that due to the distance, separation by the ship canal, adjacent road and areas of existing industrial and commercial development the proposals do not warrant a Habitats Regulations Assessment.

### Lead Local Flood Authority

No objections subject to conditions.

### Contaminated Land Officer

No comments received yet, members will be updated at committee.

Natural England

The potential significant effects on Mersey Estuary Special Protection Area (SPA), Mersey Estuary Ramsar and Mersey Estuary Site of Special Scientific Interest (SSSI) need to be considered, including consideration of the potential for pollution of the nearby designated sites during construction and operation.

The Environment Agency

No objection to the proposed development, subject to condition that the development be carried out in accordance with the submitted flood risk assessment.

United Utilities (UU)

There is a sludge pipeline crosses this site and UU will not permit building over it, as well as a water main within the vicinity of the site.

The submitted layout is designed around the indicative location of UU assets as shown on the public sewer record, therefore the applicant will need have a survey carried out of the precise location of the pipeline will be required.

UU also requests that the applicant confirms whether there is any proposed change in levels over the sludge pipeline.

Therefore, the sludge pipeline could compromise the deliverability of the submitted site layout, and amendments may be required post decision.

Whilst UU would recommended that the survey is carried out prior to determination, if not forthcoming a condition is recommended for a survey that identifies the exact location (line and depth) of the sludge pipeline and water main. Further conditions are recommended for drainage details.

Peel Holdings

No comments received

Sandymoor Parish Council

No comments received

**5. REPRESENTATIONS**

5.1 No representations have been received.

**6. ASSESSMENT**

6.1 Principle and Loss of Greenspace

The application site encompasses a former cement batching plant in the western part of the site which is designated as Primarily Employment Area, development of this part of the site for employment (Use Classes E (g) and B8) is therefore acceptable in principle.

The rest of the site to the east is designated as Greenspace, however it does not comprise any public footpaths, and is private land. Therefore in terms of access, the site does not provide any recreational value to residents. Aesthetically, the sites semi-natural appearance does provide some general amenity value to passers-by, and occupiers of the industrial premises opposite. It also provides habitat for various plants and wildlife which is addressed in the ecology and habitats section below.

Policy GE6 of the UDP seeks to protect designated Greenspace from development, unless one of the exceptions contained in the Policy is met. Part 2 states that *exceptions may be made where the loss of the amenity value, which led to the designation of the site as greenspace, is adequately compensated for. Loss of amenity value may be compensated for where either of the following criteria can be satisfied:*

*b The developer provides a suitable replacement greenspace of at least equal size and amenity value, or significantly enhances the amenity value of nearby greenspace. In assessing whether a proposal would significantly improve the amenity value of a nearby greenspace, consideration will be given to the extent to which the quality and accessibility of the space would be enhanced.*

In this particular instance the applicant would be providing a commuted sum to be spent to significantly enhance local nearby greenspaces and local nature sites. This would be secured by way of a S106 agreement with the applicant. Therefore, the proposal is considered to be acceptable in this regard and is consistent with Policy GE6.

## 6.2 Scale, Layout and Appearance

The proposed 26 units would provide a total of 3,152 sq.m of net gross floor space for Use Classes E (g) and B8. These would comprise two size of units, type A would be 100 sq.m, and type B would be 192 sq.m. The units would be single storey, with a ridge height of approximately 7 metres. The scale of the units respect the sites context and the nearby existing industrial buildings along Warrington Road and within Manor Park. The proposal is considered to be acceptable in terms of size and scale.

With regards to layout, the majority of the proposed units would be arranged in a linear fashion forming two distinct building lines that face each other. These would be separated by the proposed internal access road, parking and servicing areas running through the centre of the site. Each of the units will have a forecourt area to the front for servicing, loading and unloading, a roller shutter for vehicle access, a separate pedestrian doorway, and kitchenette and toilet facilities for occupiers and staff.

The external walls of the units are proposed to be comprised of a mix of materials, including contrasting brick and grey profiled panels to provide some variations and break up the appearance of the elevations. Roof lights are proposed to the roofs to provide natural light to the interior, as well as the provision of solar PV panels on the south facing slope of each of the roofs.

The proposed elevations show that the building would be of an appropriate appearance with some variety in materials to break up the massing of the elevations and add interest to the overall external appearance. Additional landscaping is proposed to enhance the immediate surrounding area. It is noted that the existing row of mature trees and vegetation that line the northern side of Warrington Road would be retained and screen much of the site from the road.

The proposed scale, layout and appearance of the buildings would be in keeping with the existing industrial and office buildings in the wider employment area of Manor Park. Their single storey nature and the existing line of trees along Warrington Road would ensure that the development does not appear incongruous, and would not harm the character and appearance of the area. The proposal is consistent with policies BE1, BE2 and E5 of the UDP and CS18 of the Core Strategy. A condition is recommended that the buildings be implemented in accordance with the approved plans and details, and for approval of external materials.

### 6.3 Highways and Access

A Transport Statement (TS) has been submitted in support of the application, and the Highways Officer has been consulted. The TS demonstrates that the proposal would not increase traffic to an unacceptable level and would not harm the operation of the highway network.

With regards to parking provision the UDP would require a maximum parking provision of 80 spaces. The submitted plans provide 78 spaces, and the Highways Officer has confirmed that is acceptable for this development. The scheme also includes the provision of 52 cycle spaces.

Following initial concerns with regards pedestrian and cycle routes within the site, the applicant has provided amended drawings including footways either side of the carriageway. The applicant has also provided drawings that track the movement of larger vehicles within the site, these have demonstrated that both a 10m rigid and articulated vehicle can safely enter and exit the site in forward gear.

The proposed access to the site would broadly be where the existing access into the former cement batching plant is off Warrington Road, albeit significantly improved and including the provision of footways for pedestrians either side of the access. This will require construction under supervision of the Local Highway Authority and include suitable pedestrian crossing points. A condition is recommended for the approval of the final access design and to secure its implementation.

The Highways Officer also recommends conditions to make provision for the implementation of the secure cycle storage, and for electric vehicle charging points, which will provide choice of travel and support low carbon modes of transport. Conditions are also recommended to ensure the access, parking and service areas are implemented as approved, and for the provision of a construction management plan.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It accords with Policies BE1, TP6, TP7, TP12, TP15 and TP17 of the Halton Unitary Development Plan.

#### 6.4 Flood Risk and Drainage

The application site is located in Flood Zones 2 and 3, therefore the application has been supported with a flood risk assessment and the Environment Agency has been consulted. The flood risk assessment (ref: February 2021/KRS.0494.001.R.001.B/KRS Environmental Ltd) and the following mitigation measures it details:

- Incorporating a sequential approach to the development layout.
- The minimum floor level for the development buildings will be set at 6.34m AOD.
- Flood resilience and resistance material, measures and technology will be incorporated into the building design.
- A flood plan will be developed along with a designated safe access and egress route away from the development in the event of flooding occurring.

The Environment Agency and the LLFA have no objection provided the above measures are secured by condition. The LLFA has also recommended conditions for the final design and agreement of the drainage strategy based on the SUDs hierarchy. Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.5 Contamination and Pollution

The application is accompanied by a desk study report (Ref. 20CHE257/DS, October 2020). The report identifies the need for further site investigations including gas and groundwater monitoring. Therefore, a condition is recommended to secure a detailed scheme of investigation, and if necessary a remediation strategy, its implementation and verification reporting to ensure that any contamination is dealt with appropriately.

The attachment of the condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

## 6.6 Ecology and Habitats

The application is supported with a phase 1 habitat and bat survey report. The report identified the potential roosting features for bats on two mature willow trees on the site. However, the applicant has confirmed that these would be retained and protected in accordance with the submitted arboricultural report. MEAS are satisfied with the report, subject to the above being secured by condition.

MEAS have identified the site as containing a Priority Habitat known as 'Open Habitat Mosaics on Previously Developed Land'. This type of habitat is characterised by previously disturbed ground and vegetated areas in the process of change from one vegetation type to another, supporting a variety of grassland and scrub species. Therefore, in accordance with Core Strategy policy CS20 the applicant will be required to compensate for this loss. As explained above a commuted sum will be secured by way of a S106.

MEAS have also considered the potential significant effects on the protected Mersey Estuary site (SPA/Ramsar and SSSI). They have concluded that due to the distance, separation by the ship canal, adjacent road and areas of existing industrial and commercial development that there is no pathway that could result in likely significant effects on the protected site, therefore the proposals do not require a Habitats Regulations Assessment.

The site has potential to be used by nesting birds, and will result in the loss of bird breeding habitat. Therefore, conditions are recommended to ensure their protection during nesting season, and to secure the provision of bird nesting boxes.

Further conditions are recommended relating to a construction environmental management plan, lighting details, Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs, invasive species and site waste management.

The securing of the compensation by S106 and attachment of the conditions suggested above would ensure that the proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

## 6.7 Waste Management

The proposal provides a suitably enclosed and accessible bin storage area within the site. The information provided is sufficient to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP). The plans can be secured as an approved drawing by a suitably worded planning condition.

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP) requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

#### 6.8 Other Matters

There is a sludge pipeline that crosses the site and United Utilities (UU) will not permit building over it. The submitted layout is designed to take this into account, siting car parking and landscaping over the easement. However, the plans have been based on the indicative location of UU assets as shown on the public sewer record.

The applicant acknowledges that detailed surveys with regard to the precise location and depth of the UU asset will be required, they also acknowledge that a redirection of the UU asset may be required at their own cost, or that the scheme may need to be revised if that is not feasible. Whilst the concerns of UU have been fully considered, as there is the potential for a redirection if necessary, a refusal on these grounds could not be sustained.

### 7. CONCLUSIONS

7.1 The proposal would provide for the redevelopment of a former cement batching plant, and the provision of a commuted sum will ensure that the loss of greenspace and priority habitat is adequately compensated for. The proposal is therefore acceptable in principle. The scale, layout and appearance of the buildings is acceptable and would not harm the character and appearance of the area. The proposal would not have a significant impact on the highways, and any potential effects relating to contamination, flood risk and species protection can be mitigated by the use of planning conditions. The proposal is considered to comply with Development Plan Policies BE1, BE2, GE6, GE21, E3 and E5 of the Unitary Development Plan and CS18 and CS20 of the Halton Core Strategy Local Plan, and is recommended for approval.

### 8. RECOMMENDATION

That the application is approved subject to the following:

- a) **The entering into a legal or other agreement relating to secure a financial contribution to mitigate loss of priority habitat and greenspace.**
- b) **Conditions relating to the following:**

1. Standard time limits condition (BE1)
2. Plans condition listing approved drawings (BE1)
3. External facing materials (BE1 and BE2)
4. Submission and agreement of ground investigation report, and remediation strategy (PR14 and CS23)
5. Submission of validation report (PR14 and CS23)
6. Submission of access design (BE1)
7. Parking, access and servicing provision (BE1)
8. Electric Vehicle Charging Points Scheme (CS19)
9. Cycle parking (TP6)
10. Existing and proposed site and finished floor levels (BE1)
11. Survey of UU assets (BE1)
12. Flood risk assessment and mitigation (PR16 and CS23)
13. Submission and agreement of drainage scheme (PR16 and CS23)
14. Foul and surface water on a separate system (PR16 and CS23)
15. Construction Environmental Management Plan (BE1, GE21 and CS20)
16. Lighting details in relation to wildlife protection (GE21, CS20)
17. Protection of nesting birds (GE21, CS20)
18. Provision of bird nesting boxes (GE21, CS20)
19. Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs (GE21, CS20)
20. Scheme to deal with invasive species (GE21, CS20)
21. Site waste management (WM8)

- c) **That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.**

## **9. BACKGROUND PAPERS**

9.1 The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

## **10. SUSTAINABILITY STATEMENT**

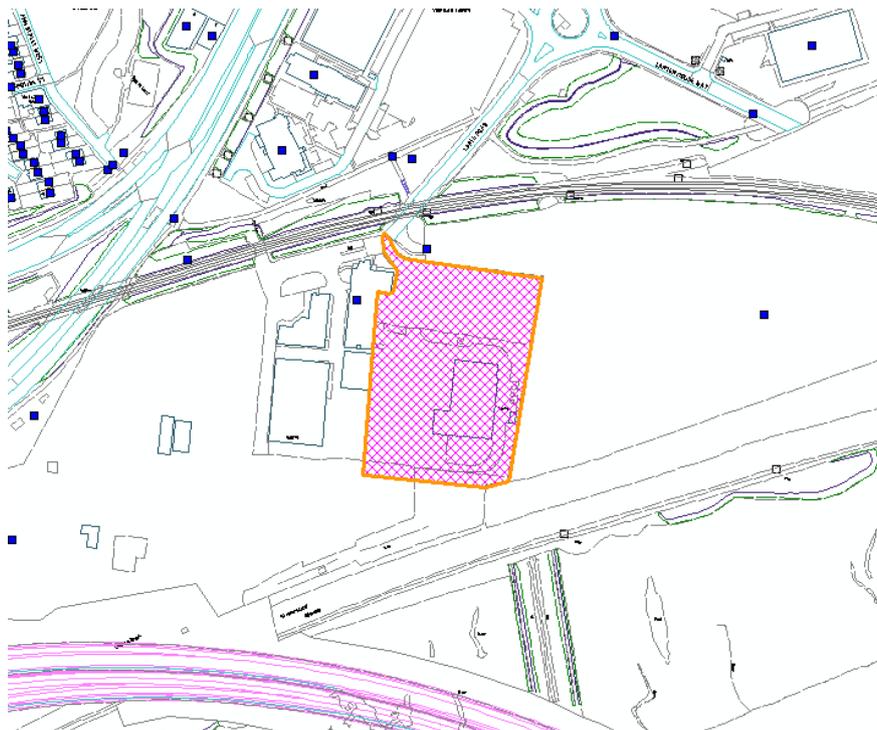
As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and

- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

<b>APPLICATION NO:</b>	21/00038/FUL
<b>LOCATION:</b>	Devenish Nutrition, Earle Road, Widnes, Cheshire, WA8 0GY.
<b>PROPOSAL:</b>	Proposed erection of industrial building, lean-to canopy and silo, ancillary to existing operations.
<b>WARD:</b>	Riverside
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mr Adrian Power at Devenish Nutrition
<b>AGENT:</b>	Mr Andrew Jalali at Mosaic Town Planning
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Unitary Development Plan (2005)	Widnes Water Front Regeneration Action Area (RG3)
Halton Core Strategy (2013)	South Widnes key Area of Change (CS9)
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	One representations has been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Principle of Development, Design and Layout, Highways and Access, Habitat Protection.
<b>RECOMMENDATION:</b>	Approve subject to conditions.

**SITE MAP**

## **1. APPLICATION SITE**

### **1.1 The Site**

The application site comprises 1.3 hectares of brownfield land, the existing industrial buildings are located in the south east corner of the site, and the rest of the site is predominantly hard standing used for servicing and staff car parking, with a small amount of grass around the periphery. The buildings house the existing warehousing and manufacturing plant for producing animal feed products.

The site is approximately 1km south of Widnes town centre, and is accessed from Earle Road via Queensway. To the south is the St Helens canal, Widnes Wharf and the Mersey estuary.

### **1.2 Planning History**

The site has an extensive planning history with the more recent relevant applications being as follows:

- 94/00005/FUL- Erection of roof extension to existing warehouse, permitted 16.02.1994
- 96/00619/FUL- Proposed erection of new powder blending plant, permitted 29.11.1996
- 97/00448/FUL- Proposed erection of new chimney stack to plant building and construction of two storey switch house, permitted 11.09.1997
- 97/00509/FUL- Proposed warehouse extension, permitted 16.10.1997
- 14/00624/FUL - Proposed extension to existing warehouse, addition of second floor to office block, permitted 12.01.2015
- 15/00208/DEM - Prior notification of proposed demolition of former industrial buildings, permitted 11.05.2015

## **2. THE APPLICATION**

### **2.1 The Proposal**

Proposed erection of industrial building, lean-to canopy and silo, ancillary to existing operations.

### **2.2 Documentation**

The application is accompanied by the associated plans in addition to a Planning Statement, Flood Risk and Surface Drainage Details, and a Geo Environmental Risk Assessment.

### **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **THE DEVELOPMENT PLAN**

##### **3.1 Halton Unitary Development Plan 2005 (UDP)**

The site is designated as a Regeneration Action Area and falls with the Developed Coastal Zone on the Halton Unitary Development Plan Proposals Map. The site also falls within the South Widnes Key Area of Change the Halton Core Strategy. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- RG3 Action Area 3 - Widnes Waterfront
- BE1 General Requirements for Development
- BE2 Quality of Design
- GE21 Species Protection
- GE30 The Mersey Coastal
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP12 Car Parking

##### **3.2 Halton Core Strategy 2013 (CS)**

The following policies, contained within the Core Strategy are of particular relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS9 South Widnes key Area of Change
- CS18 High Quality Design
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

##### **3.3 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)**

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout of New Development

## **MATERIAL CONSIDERATIONS**

Below are material considerations relevant to the determination of this planning application.

### **3.4 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

#### **Other Considerations**

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## **4. CONSULTATIONS**

### **Highways and Transportation Development Control (Highways)**

No objection to the proposed development.

#### **Contaminated Land Officer**

No comments received

#### **Lead Local Flood Authority (LLFA)**

No comments received

#### **Merseyside Environmental Advisory Service (MEAS) – Ecology and Waste Advisor**

No objection, subject to a condition relating to construction methods and timing of the works to secure avoidance measures, so that there will be no adverse effect upon the integrity of the Mersey Estuary SPA and Ramsar sites.

#### **Mersey Gateway Environmental Trust**

No comments received

#### **Mersey Gateway**

No comments received

National Grid

No comments received

Natural England

No objection, subject to timing restrictions to ensure all construction works are undertaken between April and August.

The Environment Agency

No objection to the proposed development, subject to condition that the development be carried out in accordance with the submitted flood risk assessment, and conditions relating to a contaminated land remediation strategy, validation report and foundation design.

Health and Safety Executive (HSE)

Do not advise against, consequently, HSE does not advise on safety grounds, against the granting of planning permission in this case.

United Utilities

No objection subject to conditions relating to a surface water drainage scheme, and that foul and surface water be drained on separate systems.

Network Rail

No objection in principle to the proposal, advice to be provided to the applicant on the requirements should any works be carried out within 10m of the railway boundary.

National Grid

No comments received

**5. REPRESENTATIONS**

5.1 One representation has been received from the publicity given to the application. The representation states that as long as the silo is no larger than building already on site and that it doesn't produce any smoke or toxic fumes, they would have no objection.

**6. ASSESSMENT**

6.1 Principle of Development

The site is brownfield land, and located within an existing manufacturing site in the Widnes Waterfront Regeneration Area (Policy RG3 of the UDP) and the South Widnes Key Area of Change (CS9 of the CS). It is also within the

Developed Coastal Zone (Policy GE30 of the UDP), as identified in the Halton Unitary Development Plan and the associated proposals map.

Policy RG3 and CS9 allow for employment uses, and Policy GE30 allows for proposals made in connection with existing uses that have regard to environmental quality. Given that the proposal is associated with the continued use of the existing manufacturing use of the site, the proposal is considered to be acceptable in principle.

## 6.2 Design and Layout

The proposal includes the provision of a new lean to canopy extension to provide additional covered areas for the movement of material and products, and an industrial building to be used for storage. Together they would provide a net additional floor space of 1,222sq.m.

The canopy would tie into the existing canopy on the west facing elevation of the building, and would be constructed in similar white materials and would be in keeping. The industrial building would be detached and constructed in an aluminium frame with grey glazed walls and a white plastic coated membrane roof.

The buildings light weight construction allow for minimal ground work, as the light weight structures can be anchored to the existing concrete.

The proposal also includes an additional silo, this would be approximately 13m in height and located adjacent to the existing building. The new silo would be smaller in height than the two tallest existing silos which are approximately 17m tall, and substantially lower than the tallest building on site which was designed to house a vertical blending plant.

Overall the proposed buildings would be in keeping with the existing buildings, and reflect the industrial surroundings of the site, therefore would not harm the character and appearance of the area. The proposal is consistent with policy BE2 of the UDP and CS18 of the CS. A condition is recommended that the buildings be implemented in accordance with the approved plans and details.

## 6.3 Highways and Access

The proposal is to provide additional buildings to be used for the existing manufacturing plant, the access via Earle Road will remain as existing. The buildings would allow for internal storage on site, so that a greater amount weather sensitive stock can be stored at any one time, reducing the need for movements of material and finished goods. Therefore, the movement of pallets and materials to/from other sites operated by the applicant will reduce, as the proposed storage building will increase the capacity to store these on site.

The applicant states that there are in excess of 100 existing car parking spaces to be retained on the northern part of the site, and that the existing 34 full time employees are not expected to increase as a result of the development.

Therefore, there is ample onsite car parking provision. The Council's Highways Officers have been consulted and have no objection to the proposal.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It accords with Policies BE1, TP12 of the Halton Unitary Development Plan.

#### 6.4 Flood Risk and Drainage

The application site is located in Flood Zones 2 and 3, therefore the application has been supported with a flood risk assessment, and the Environment Agency has been consulted as well as the LLFA. The flood risk assessment (Ref: Jan 2021/RCEF78679/RPS) report makes the following recommendations for mitigation against the risk of flooding which include the following:

- Development is limited to a less vulnerable (non-residential) classification;
- Storage of products and racking to be set a minimum of 300mm above ground level inside the warehouse;
- Equipment or machinery used inside the warehouse to be set a minimum of 300mm above ground level inside the warehouse;
- Flood resilient materials and techniques to be used throughout the development; and
- An open/grated conveyance culvert channel to be constructed in order to maintain a flood flow route through the site.

The Environment Agency have no objection provided the above measures are secured by condition. Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.5 Contamination and Pollution

The application has been supported with a Phase 1 preliminary risk assessment report (Ref JER8934 R0), and Quantitative Risk Assessment report (Ref IBR0654 Rev 0). Whilst these are sufficient to determine the application, further work would be required, and conditions are recommended as per those suggested by the Environment Agency for a remediation strategy, validation report and foundation design.

With regards to the one representation received raising air pollution concerns, the buildings would be used in connection with the existing manufacturing use, providing a covered area for the movement of staff and materials, as well as the storage of raw materials and stock. Therefore the development would not introduce any new process that would cause emissions.

## 6.6 Ecology and Habitats

The application site is in close proximity to the flats and saltmarshes of Widnes Wharf, which are functionally linked to Mersey Estuary SPA and Ramsar sites. These provide feeding and roosting sites for large and internationally important populations of waterfowl, notably in the winter months.

Due to the development's potential pathways and impacts on the above sites, MEAS have undertaken a Habitats Regulations Assessment (HRA) for likely significant effects, this has concluded that avoidance measures are required to ensure that there would be no likely significant effects. The HRA has taken into account the following:

- Works will take place April to August;
- There will be no requirements to connect to foul drainage and surface water will not discharge into the canal;
- Background noise will remain as existing;
- The site is a working industrial site;
- The structure will be pre-fabricated, and no deep foundations, excavations or major groundworks will be required as part of this development

The HRA concludes that, with the above avoidance measures, there will be no adverse effect upon the integrity of European sites. A condition is recommended for a construction method statement to ensure that necessary method and timing of construction are secured.

The attachment of the condition above would ensure that the proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

## 6.7 Waste Management

The proposals comprise development which is unlikely to generate significant volumes of waste. The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise offsite disposal where practicable.

As a discretionary requirement, MEAS have advised that waste audits or a similar mechanism such as a site waste management plan should be used to

monitor waste minimisation, recycling, management and disposal. It is recommended that an advisory note be attached as an informative on the decision notice.

#### 6.8 Other Matters

Part of the site lies within the outer risk zone of a gas pipeline. The HSE have been consulted, and they do not advise, on safety grounds, against the granting of planning permission in this case.

### 7. CONCLUSIONS

7.1 The proposed development maintains the existing employment use, and the investment will ensure the future viability of the site and future employment opportunities. The proposal would not have a significant impact on the highways, and any potential effects relating to contamination, flood risk and habitat protection can be mitigated by the use of planning conditions. The proposal is considered to comply with Development Plan Policies RG3, BE1, BE2, GE21, PR14, PR16 of the Unitary Development Plan and CS9 and CS20 of the Halton Core Strategy Local Plan, and is recommended for approval.

### 8. RECOMMENDATION

That the application is approved subject to the following conditions:

1. Standard time limits condition (BE1)
2. Plans condition listing approved drawings (BE1)
3. Submission and agreement of a construction method statement including HRA avoidance measures and timing of development (BE1, GE21 and CS20)
4. External facing materials (BE1 and BE2)
5. Submission and agreement of ground investigation report, and remediation strategy (PR14 and CS23)
6. Submission of validation report (PR14 and CS23)
7. Foundation design (PR14 and CS23)
8. Flood risk assessment and mitigation (PR16 and CS23)
9. Submission and agreement of drainage scheme (PR16 and CS23)
10. Foul and surface water on a separate system (PR16 and CS23)

### 9. BACKGROUND PAPERS

9.1 The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

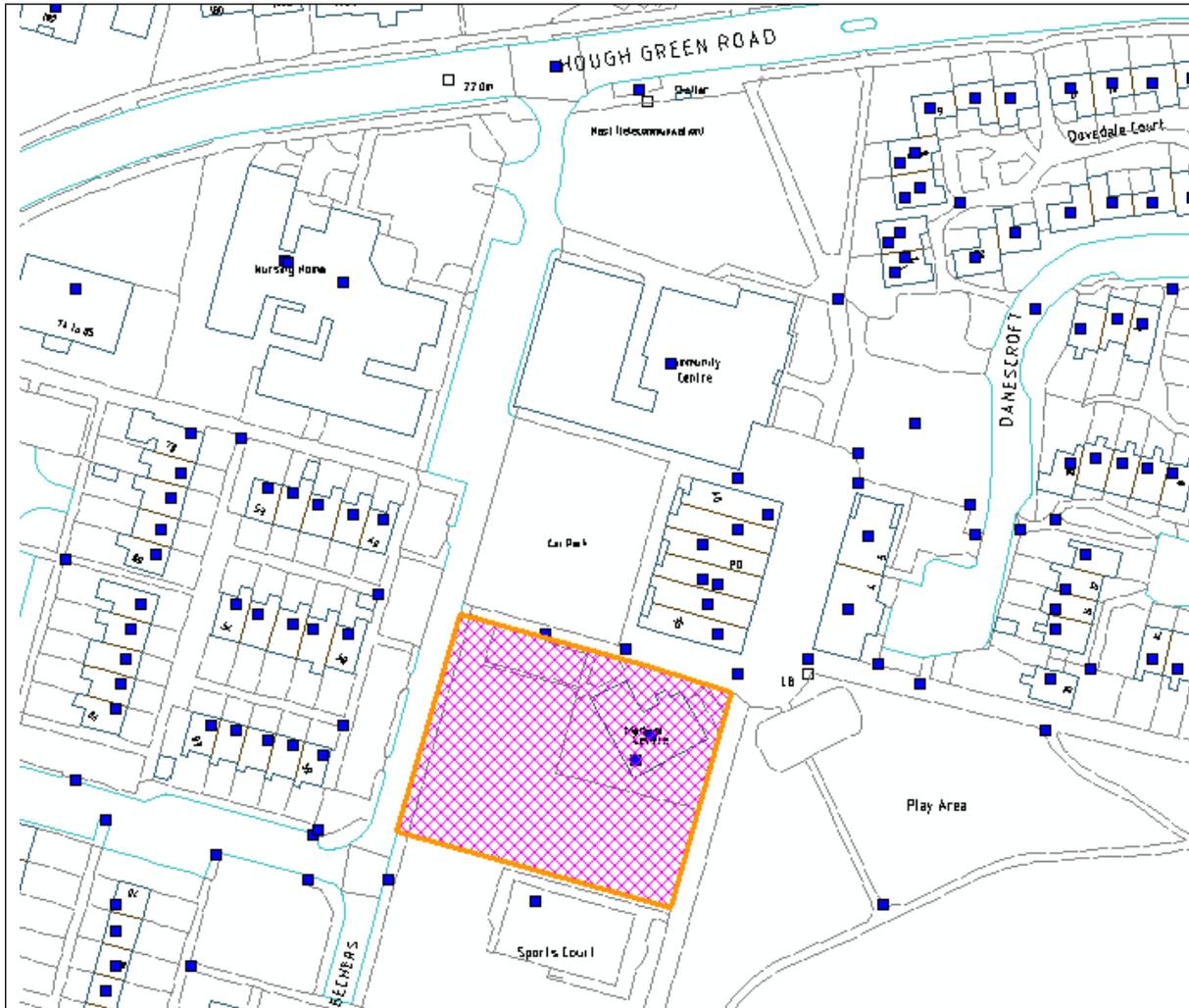
**10. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

<b>APPLICATION NO:</b>	21/00059/FUL
<b>LOCATION:</b>	Former Upton Medical Centre and Adjacent Land Bechers, Widnes, Cheshire, WA8 4TE
<b>PROPOSAL:</b>	Proposed demolition of existing building and erection of 37 no. over-55 retirement living apartments and associated works including car parking, cycle parking, external bin store area and landscaping
<b>WARD:</b>	Hough Green
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mr Stuart McHale SEP Land and Development
<b>AGENT:</b>	Mr Steven Grimster Grimster Planning Ltd
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Housing Allocation Ref. 962 and partially designated as Primarily Residential
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	Three representations has been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Principle of Development, Design and Layout, Highways and Access, Habitat Protection.
<b>RECOMMENDATION:</b>	Approve subject to conditions and S106 agreement securing of a commuted sum in lieu of on-site open space provision.
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The site is 0.23 hectares in area, and comprises a single storey building formally used as Upton Medical Centre and a grassed area to the side and rear. The majority of the site falls mostly within an area of allocated for housing (Ref. 692) with the existing building being within an area designated as primarily residential. To the north of the site is Upton local centre, there is an area of green space to the east, a sports court to the south, and the site is bound by the Bechers to the west. The wider surrounding area is residential.

### 1.2 Planning History

The site has the following planning history:

- 2/9229/P granted 11/20/79 for an outline application for erection of Health centre
- 2/17457/F granted 7/20/84 for a medical centre for use by general practitioners
- 2/27253/F granted 2/18/91 for the erection of metal anti vandal fence

## **2. THE APPLICATION**

### **2.1 The Proposal**

Proposed demolition of existing building and erection of 37 no. over-55 retirement living apartments and associated works including car parking, cycle parking, and external bin store area and landscaping.

### **2.2 Documentation**

The application is accompanied by the associated plans in addition to a design and access statement, transport statement, phase 1 ground investigation report, drainage strategy, energy statement, bat survey report, and a site waste management plan.

## **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **THE DEVELOPMENT PLAN**

#### **3.1 Halton Unitary Development Plan 2005 (UDP)**

The site is allocated for housing on the Halton Unitary Development Plan Proposals Map. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development
- BE2 Quality of Design
- GE21 Species Protection
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle provision as part of new development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safer Travel for All
- H3 Provision of Recreational Green Space

#### **3.2 Halton Core Strategy 2013 (CS)**

The following policies, contained within the Core Strategy are of particular relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS13 Affordable Housing

- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

### 3.3 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout of New Development.

### **MATERIAL CONSIDERATIONS**

Below are material considerations relevant to the determination of this planning application.

### 3.4 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

### 3.5 Supplementary Planning Documents (SPD)

The Design of New Residential Development SPD (May 2012); Affordable Housing SPD (January 2014); and Draft Open Space SPD (October 2007).

### 3.6 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## 4. **CONSULTATIONS**

### Highways and Transportation Development Control

No objection to the proposed development, condition recommended for Electric Vehicle (EV) charging and securing the implementation and retention of the cycle store.

Contaminated Land Officer

No objection subject to condition.

Open Spaces

There are no formal tree or Nature Conservation constraints associated with the proposed development plot. The trees situated on the proposed development site are graded predominantly C and U in the supplied Arboricultural Impact Assessment (AIA) which should not be regarded as an obstacle to development. There is one grade B tree however this would not satisfy the criteria for Statutory Protection.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

Further bat surveys required prior to determination of the application (see below), conditions also required in relation to nesting birds, provision of bird boxes, and use of native species in landscaping scheme. There is no pathway that could result in likely significant effects on the European sites, therefore the proposals do not require a Habitats Regulations Assessment.

Lead Local Flood Authority (LLFA)

No objections, conditions recommended for a detailed drainage strategy including infiltration tests, that SUDs hierarchy has been followed, existing surface water runoff rates, agreement of proposed discharge rates, management and maintenance details and verification.

Designing Out Crime Officer - Cheshire Police

Has provided advice and recommendations relating to boundary treatments, cycle storage, standard of windows and doors, lighting and the use of audio visual door entry systems.

United Utilities

No objection subject to a conditions.

Natural England

Advise that a screening for Habitat regulations Assessment required.

**5. REPRESENTATIONS**

Three representation have been received from the publicity given to the application.

- Loss a community building (previously been a religious centre and doctors surgery)
- Loss of green space

- Traffic already excessive in the area
- Additional noise from traffic
- Increased traffic causing additional highways safety risks
- Potential overlooking into nearby gardens

## **6. ASSESSMENT**

### **6.1 Principle of Development**

The application site falls within an area allocated for housing on the Halton Unitary Development Plan Proposals Map (Ref. 962) and partially with an area designated as primarily residential, given that the application seeks a residential use, the proposal is considered to be acceptable in principle.

### **6.2 Design and Amenity**

The proposal is to construct a three storey building with a pitched roof to maximum height of approximately 13.4m. Whilst the pitched roof design provides for a relatively traditional appearance, the elevations would include a contrasting palette of materials (a mix of facing brick, render, and glazing) that would provide for a quality modern finish. It is recommended that approval of final building materials be approved prior to commencement.

Concerns have been raised by neighbouring residents in relation to the potential loss of privacy in their gardens caused by overlooking from the apartments. The nearest residential properties are flats located above the shops in the adjacent local centre, these are also three storey and have a blank gable on the elevation adjacent to the site, due to the orientation of their habitable room windows in relationship to the proposed apartments they would not be overlooked.

The next nearest dwelling houses are on Bechers opposite the site, these have blank gables to the side elevation. In such instances Halton's Design of New Residential Development SPD advises an interface distance of 13m plus an additional 3m as the new building would be three storey. The proposed habitable room windows would be approximately 30m away from the nearest property on Bechers, therefore significantly exceeding the above guidance, similarly the nearest garden would be a similar distance away. Furthermore, in between would be the public highway and parking areas. Therefore the proposal provides for a good standard of privacy to existing surrounding occupiers.

To the south of the application site is an existing Multi Use Games Area (MUGA). The proposed apartments have been designed so that there would be minimal windows on the adjacent gable, serving the communal stairwell and a limited number of kitchen areas. This would help to ensure minimal disruption to future occupiers of the apartments. The MUGA is also surrounded with existing ball stop fencing.

The proposed design and appearance is considered to be acceptable, it would not harm the character and appearance of the area, and would not cause loss of privacy or harm the living conditions of neighbouring occupiers. It would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

### 6.3 Highways and Access

The application has been submitted with a Transport Statement (TS) to support the proposal, and the Highways Officer has been consulted. The TS demonstrates that the proposal would not increase traffic to an unacceptable level. The proposed vehicle and pedestrian access will be taken from Bechers, and the submitted plans demonstrate that this will ensure suitable visibility and safe access for vehicles and pedestrians. A condition is recommended for the approval of final design/construction details.

The level of car parking is considered to be acceptable for the 37 retirement living apartments for the over 55s. However a condition is recommended to restrict the use to that which has been applied for, as open market apartments would present a different proposal that would likely generate a greater demand for parking.

The Highways Officer also recommends conditions to make provision for the implementation of the secure cycle storage, and for electric vehicle charging points, which will provide choice of travel and support low carbon modes of transport. Conditions are also recommended to ensure the access, parking and service areas are implemented as approved, and for the provision and a construction management plan.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It would not have an unacceptable impact on highway safety, and accords with Policies BE1, TP6, TP7, TP12, TP15, TP17 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy Local Plan, and the NPPF.

### 6.4 Flood Risk and Drainage

The application site is less than 1ha in area, and located in Flood Zone 1 therefore a flood risk assessment is not necessary. The applicant has provided a drainage strategy that claims to clay ground beneath, the site is not suitable for drainage by infiltration, and there are no nearby water courses to connect to. Therefore the proposal is to connect to the existing surrounding sewer network.

Whilst United Utilities have no objection in principle to the submitted drainage strategy, the LLFA requires further detailed ground surveys and infiltration tests to be conducted before infiltration can be discounted, and to demonstrate that the SUDs hierarchy has been followed. Furthermore, calculations of existing surface water runoff rates are required before a discharge rate can be agreed

for the site. Therefore, the LLFA has recommended conditions for the agreement of such matters and a final drainage scheme.

Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

### 6.5 Ground Contamination

The application is accompanied by a phase 1 ground investigation report (Ref. 14-533-R1-3 Feb 2021). This has been reviewed by the Contaminated Land Officer. No objection has been raised subject to a condition being attached which secures a detailed site investigation and, if necessary, a remediation strategy, its implementation and verification reporting to ensure that any ground contamination is dealt with appropriately.

The attachment of the condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

### 6.6 Ecology

The applicant has submitted a preliminary bat roost assessment and ecological appraisal (Ref. CW20-066 RPT 001 Feb 2021). The bat assessment found the existing building on site to have low bat roost potential. Even with a low potential, government guidance advises that the presence (or likely absence) of protected species and the extent to which they will be affected should be determined before a planning decision is made.

Therefore, the Council's ecology advisor (MEAS) has been consulted, and has requested an emergence and re-entry or activity bat survey is required, which has to be carried out between the months of May to September. At the time of writing the applicant's ecological consultant had been instructed to carry out the further surveys.

Vegetation on site may have potential to be used as nesting sites by birds. A condition is recommended to ensure their protection. The proposed development will also result in the loss of bird breeding habitat. To mitigate for this loss, a condition is recommended for details and to secure the provision of bird nesting boxes.

MEAS also carried out a screening for Habitat Regulations and have advised that there is no pathway that could result in likely significant effects on the

European sites, therefore the proposals do not require a Habitats Regulations Assessment.

It is recommended that any associated landscaping, especially tree planting, and should be with native species, this can be addressed by planning conditions.

Subject to the applicant satisfying the above survey requirements prior to determination, and the attachment of the conditions suggested above would ensure that the proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

### 6.7 Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment Report which identifies a number of trees within the site including a row of Cypress, Silver Birch, Hawthorne and Alder. None of these benefit from Tree Preservation Orders and the site does not fall within a designated Conservation Area.

The majority of trees within the site are graded as low quality (category C/U), with one Silver Birch being graded as good (Category B). Due the location of the tree and the constraints of the site all of the trees would be removed to facilitate the development. The applicant will be providing comprehensive landscaping scheme which includes suitable replacement tree planting to mitigate the loss of the trees and to ensure a quality landscaped finish to the site.

Planning conditions would ensure that a suitable landscaping scheme is secured, implemented and maintained, and that any new tree planting that is lost is replaced within a reasonable time frame.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

### 6.8 Public and private amenity space

The requirements for the provision of public open space and recreational greenspace within new residential developments are set out in Policy H3 of the Halton Unitary Development Plan.

The open space requirement calculator has identified that there is a deficit of parks & gardens, amenity greenspace, provision for children and young persons, and allotments, in this particular neighbourhood. The deficiencies

generated by the development would be met through a financial contribution in lieu of on-site provision. It is recommended that the financial contribution be secured by Section 106 agreement.

However, the submitted plans do provide for sufficient private amenity space onsite. Planning conditions will ensure that the private amenity space is adequately landscaped and maintained.

Concerns have been raised in relation to the loss of green space, however as explained above the site is allocated for housing and within a primarily residential area, it is not protected green space, and is acceptable in principle.

Based on the above, it is considered that the proposal would meet the local needs of the people living there, with regards to public open space provision and private amenity space. It would also be in compliance with Policy H3 of the Halton Unitary Development Plan.

#### 6.9 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided , in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes.

In this particular instance the proposal is for 37 retirement living apartments intended. The applicant has stated on the application form that all of the proposed retirement living apartments would be for social, affordable or intermediate rent and has provided a planning and affordable housing statement with the application stating that they would be 100% affordable rented.

For the avoidance of doubt it is recommended that a condition be attached which secures the submission of an affordable housing scheme, its subsequent implementation and maintenance thereafter, in accordance with the Council's adopted Affordable Housing SPD.

Subject to the above condition, the proposal is considered to be compliant with Policy CS13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

#### 6.10 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development. The applicant has provided an energy statement which concludes that the best ways for the scheme to achieve a reduction in carbon dioxide emission and save energy would be to achieve high insulating values, use of mechanical ventilation and heat recovery, and

use of solar PV panels. A condition is recommended to secure these measures.

Furthermore, the NPPF seeks to ensure that development proposals are designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The incorporation of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved for this development. A condition is recommended to secure this.

Based on the above, the proposal is considered consistent with the requirements of Policy CS19 of the Halton Core Strategy Local Plan.

#### 6.11 Waste Management

The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. The applicant has submitted sufficient information on site waste management to comply with policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP).

The submitted site plan provides sufficient information to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP). The Proposed Site Plan can be secured as an Approved Drawing by a suitably worded planning condition.

#### 6.12 Designing Out Crime

The designing out crime officer (DOCO) at Cheshire Police has been consulted and has provided guidance and advice on the scheme particularly with regard to the boundary treatments and cycle storage. The applicant has taken these on board and proposes to provide defensible planting around the boundaries of the site, and has provided details of an enclosed cycle store. These can be secured through conditions.

The DOCO has also provided advice and recommendations relating to the standard of windows and doors, lighting and the use of audio visual door entry systems. It is recommended that these comments will be attached to decisions notice as an informative to the applicant.

#### 6.13 Other Matters

Concerns have been raised with regards to the loss of a community building. However, the existing building is no longer used as medical centre, and whilst it has more recently been used for religious purposes, the building is not on

the Council's list of assets of community value. Taking the above into account, and considering the benefits that would arise from the provision of this type of affordable housing, a refusal on these grounds could not be sustained.

## **7. CONCLUSIONS**

In conclusion, the proposed retirement living apartments are acceptable in principle. The overall design and appearance of the apartments is considered to be acceptable, they would respect the character and appearance of the area and fully support the high quality design standards required for new development.

The proposal provides for a good standard of living conditions for future residents, and would ensure that the amenity of existing surrounding occupiers is not harmed.

The proposed vehicle and pedestrian access from Bechers will ensure safe access, and the level of car parking is considered to be acceptable for the 37 retirement living apartments. The provision of secure cycle parking and condition to secure EV charging with provide choice of travel and support low carbon modes of transport.

The proposals are consistent with the Council's standards and complies with the design of New Residential Development SPD and Policies BE1, BE2, GE21, PR14 and H3 of the Halton UDP, as well as Policies CS18 and CS19 of the Halton Core Strategy Local Plan.

## **8. RECOMMENDATION**

That the application is approved subject to the following:

**a) The entering into a legal or other agreement relating to securing financial contributions in lieu of on-site open space provision.**

**b) Conditions relating to the following:**

1. Standard time limits condition (BE1)
2. Approved plans condition (BE1 and TP17)
3. Submission and agreement of a submission of a construction / traffic management plan which will include wheel cleansing details, hours of construction and deliveries (BE1)
4. Existing and proposed site levels ( BE1)
5. External facing materials (BE1 and BE2)
6. Conditions for landscaping, planting, management and maintenance (BE1 and BE22)
7. Breeding birds protection (GE21 and Policy CS20)
8. Bird nesting boxes scheme (GE21 and Policy CS20)
9. Electric Vehicle Charging Points Scheme (CS19)

10. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17)
11. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23)
12. Drainage strategy condition (PR16 and CS23)
13. Foul and surface water on a separate system (PR16 and CS23)
14. Provision of affordable housing scheme (CS13)
15. Sustainable energy scheme (CS19)
16. Restriction to use as over-55s retirement living apartments (BE1, RP12)

c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

## **9. BACKGROUND PAPERS**

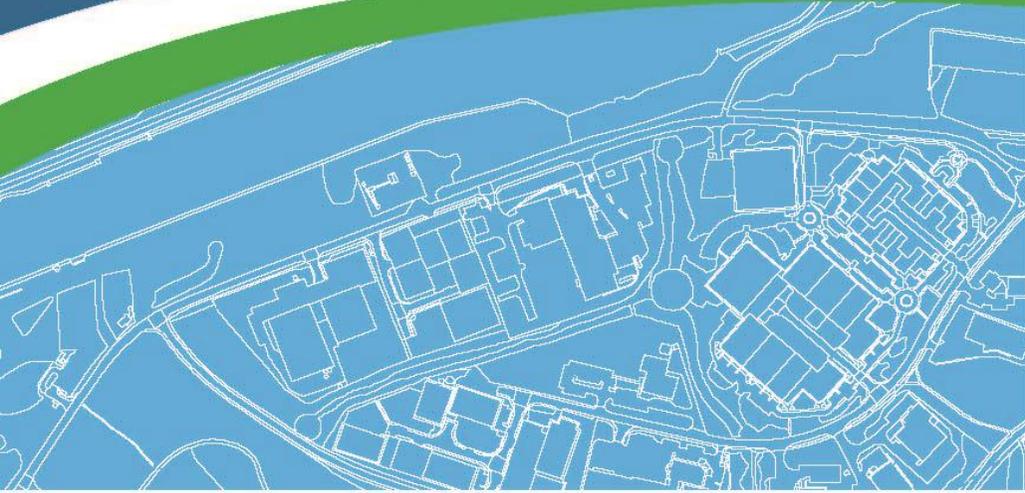
The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

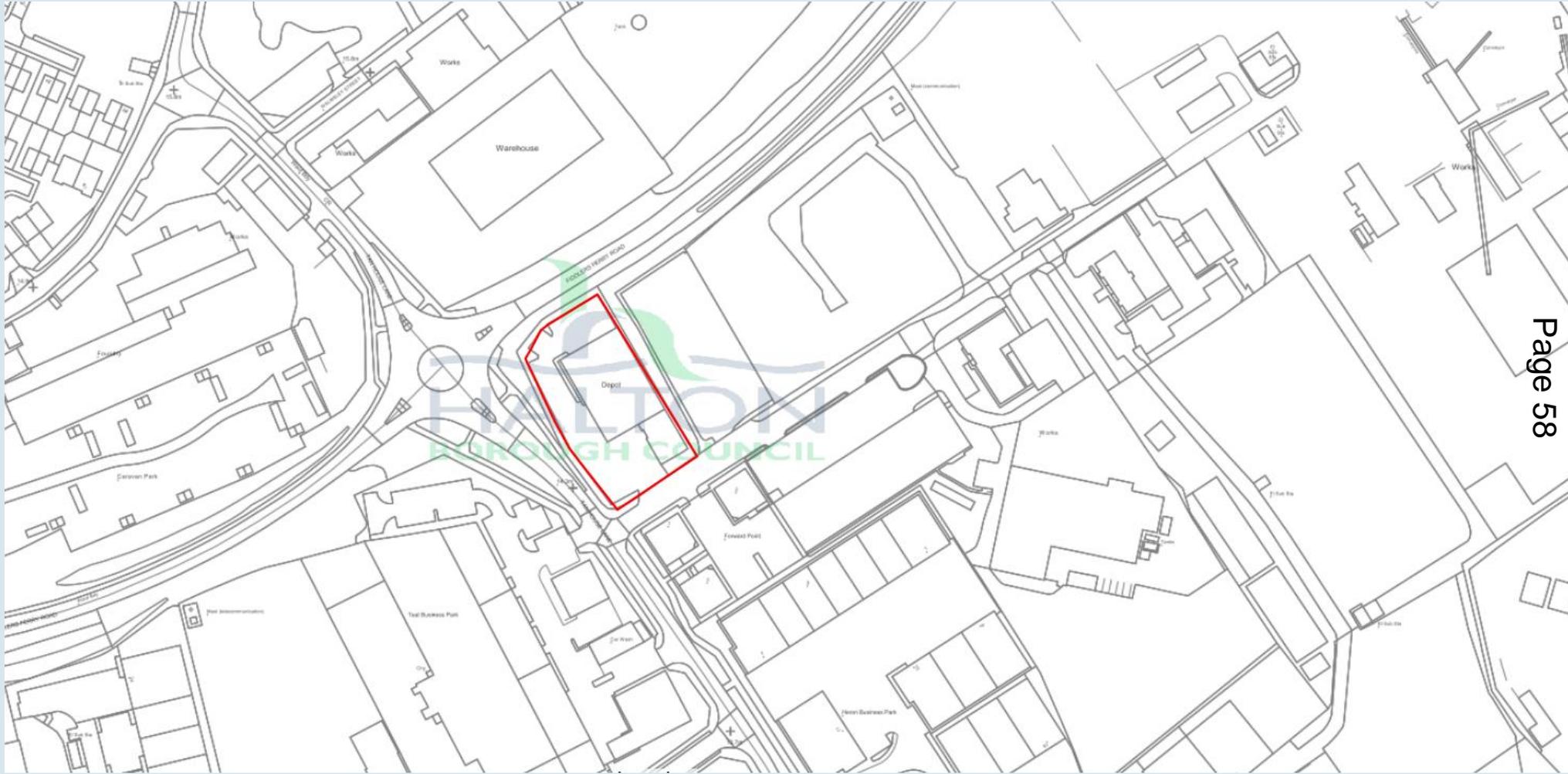
## **10. SUSTAINABILITY STATEMENT**

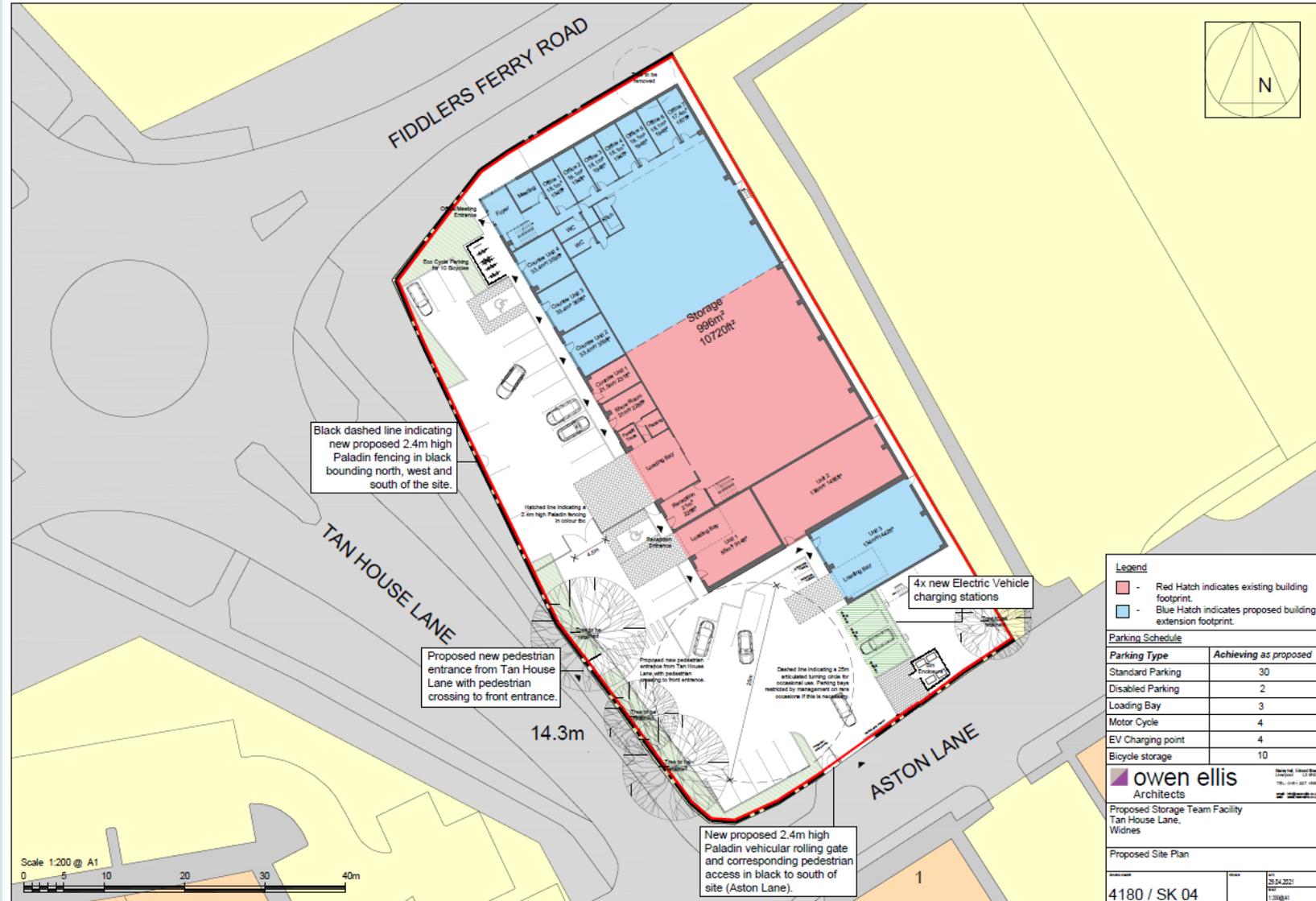
As required by:

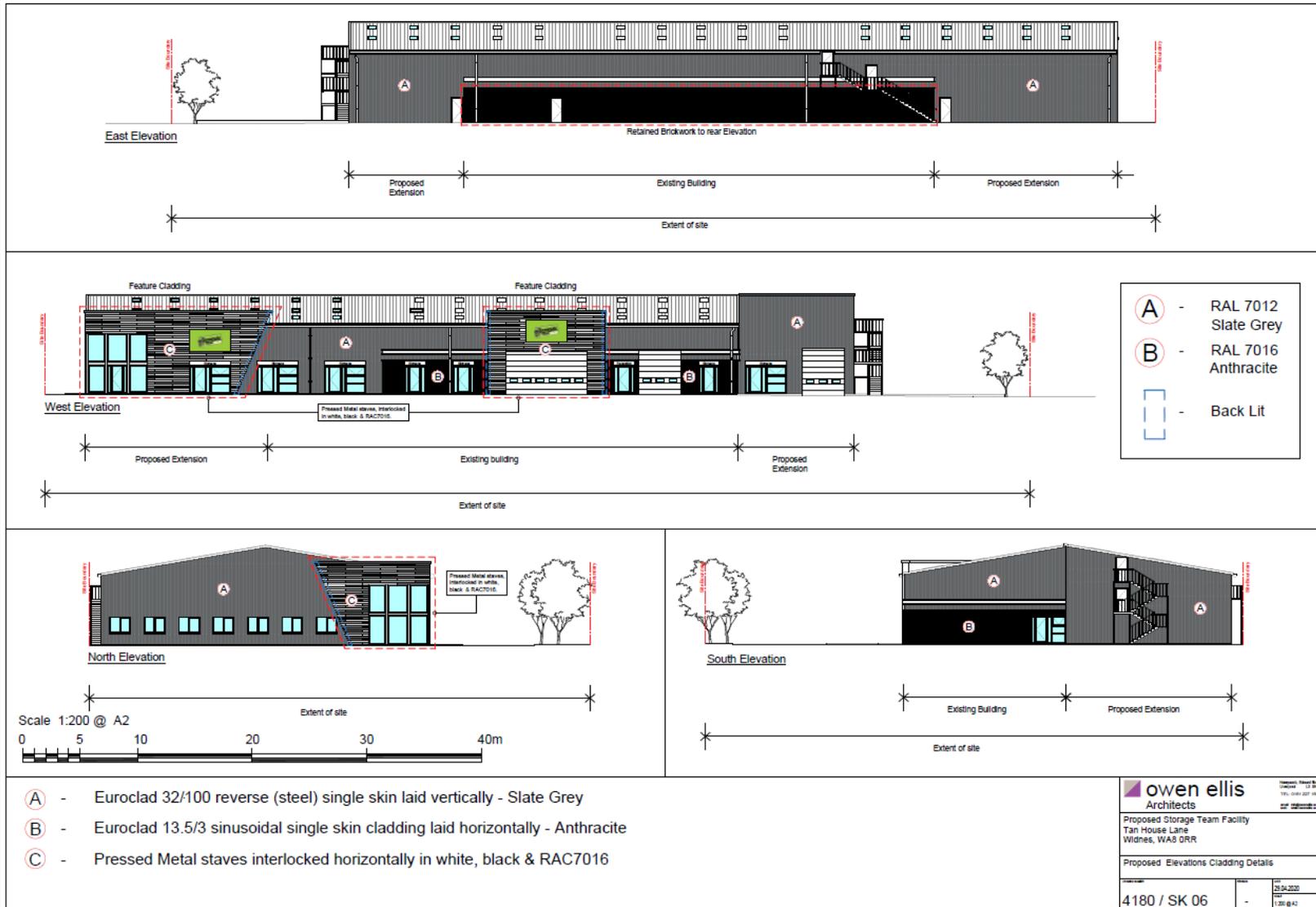
- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

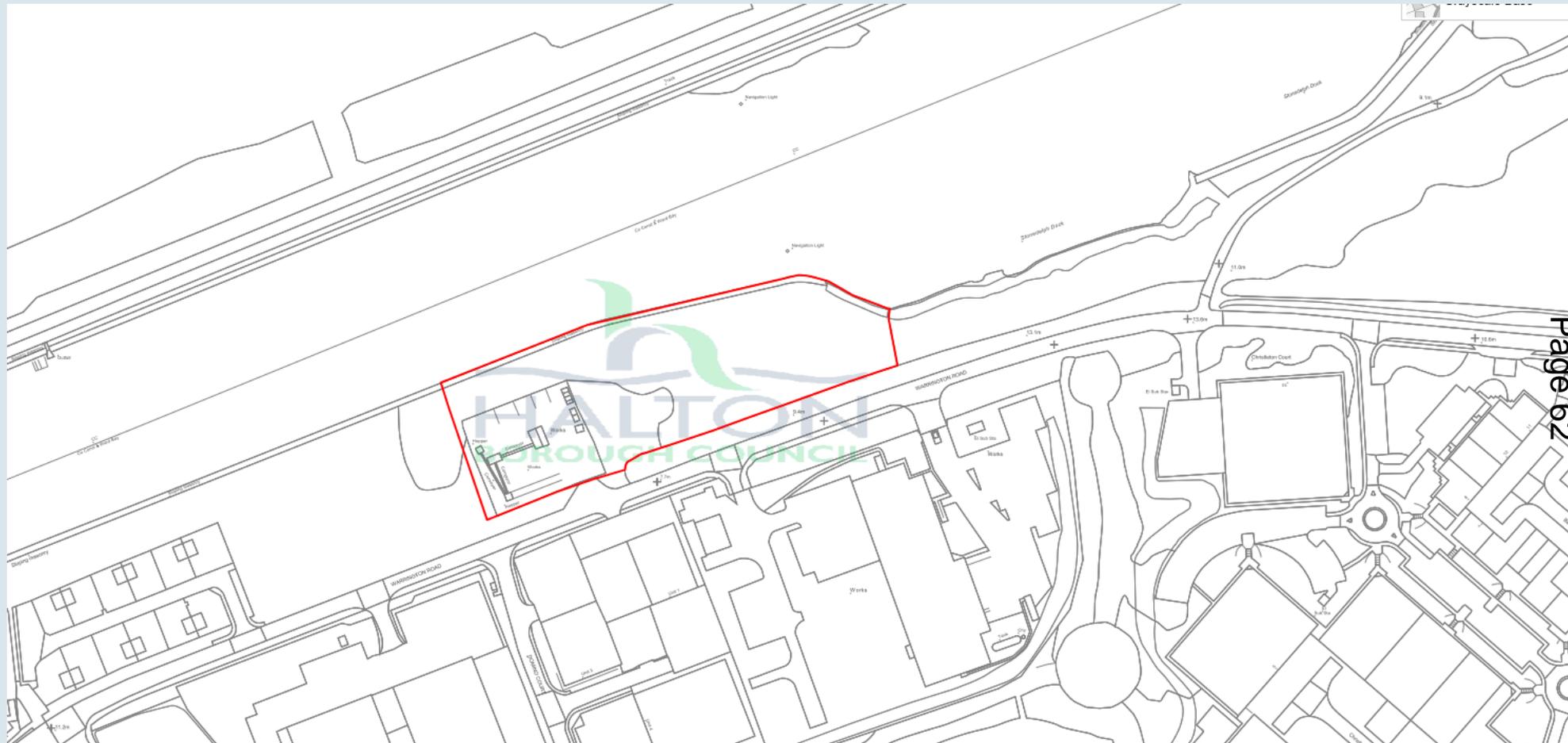


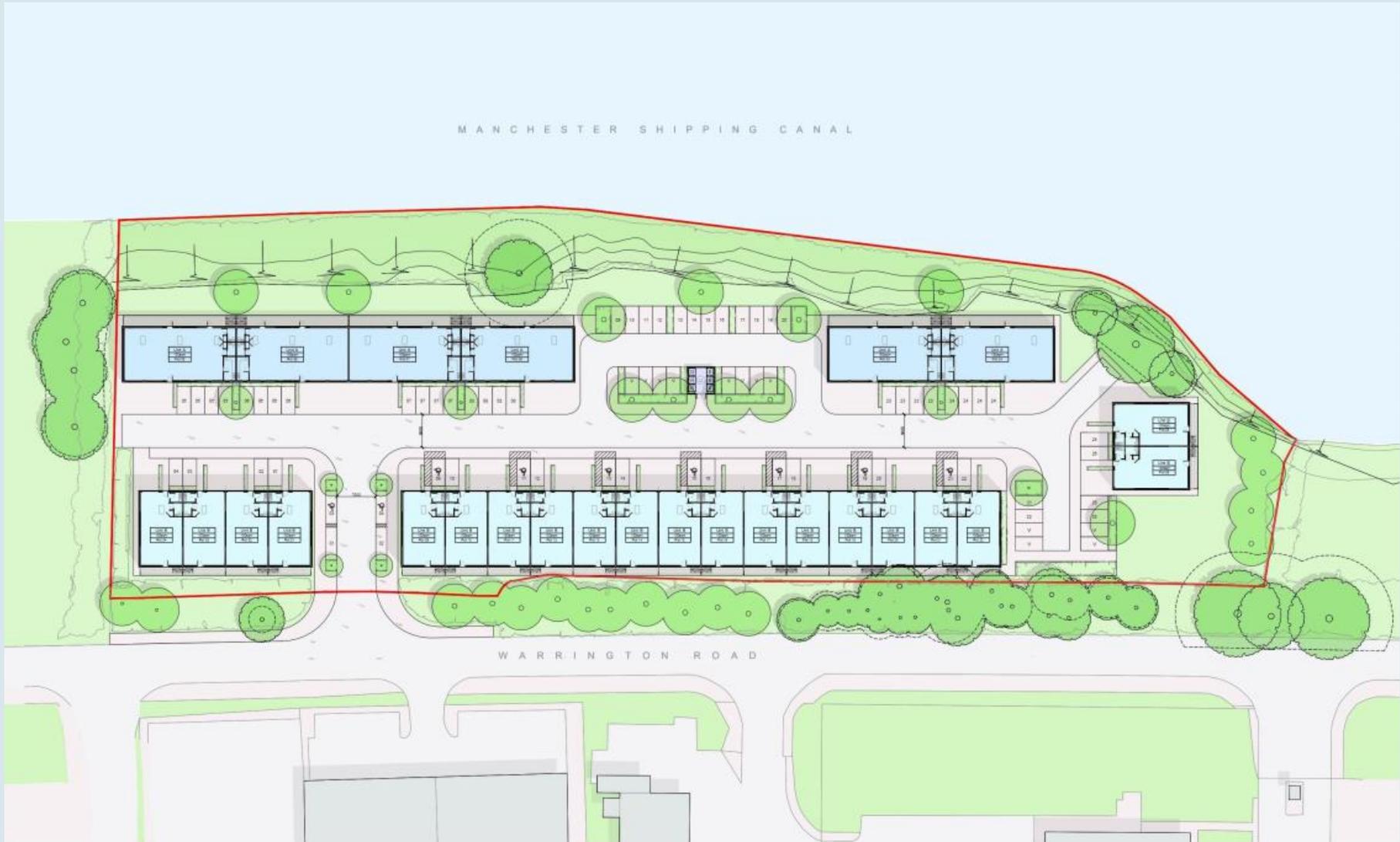


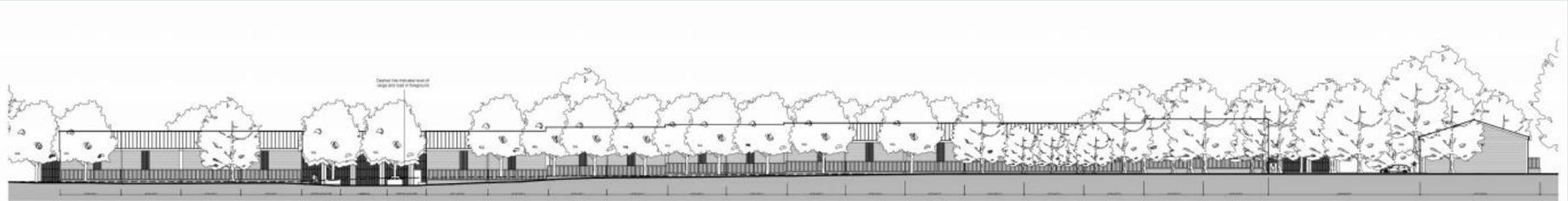




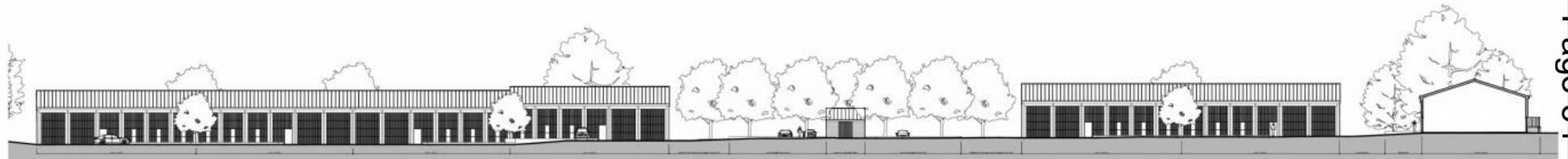




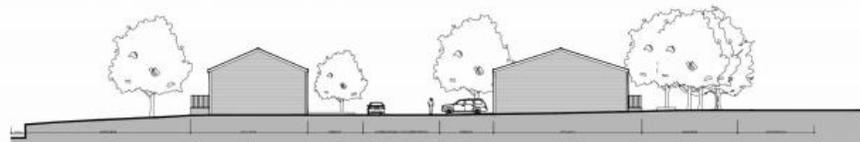




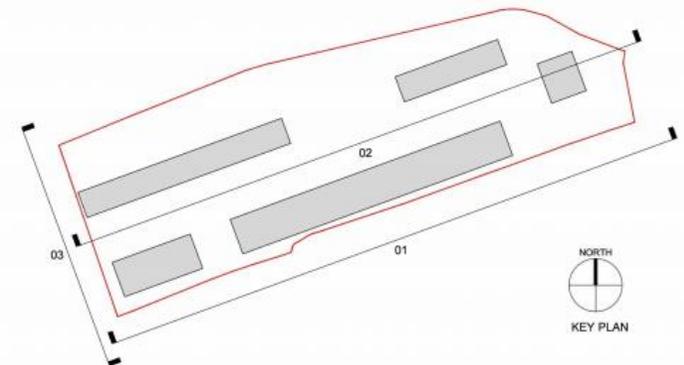
01 PROPOSED STREET ELEVATION 01

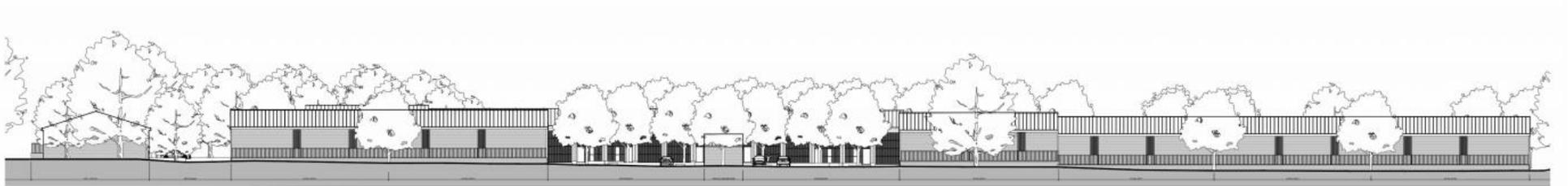


02 PROPOSED STREET ELEVATION 02



03 PROPOSED STREET ELEVATION 03

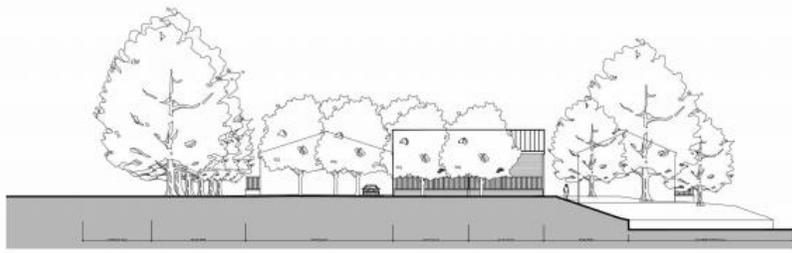




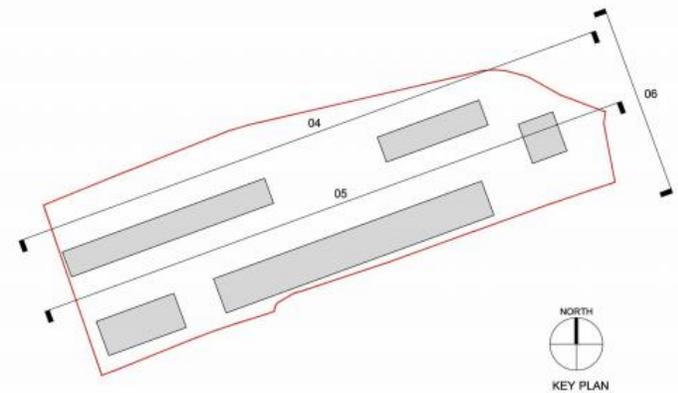
04 PROPOSED STREET ELEVATION 04



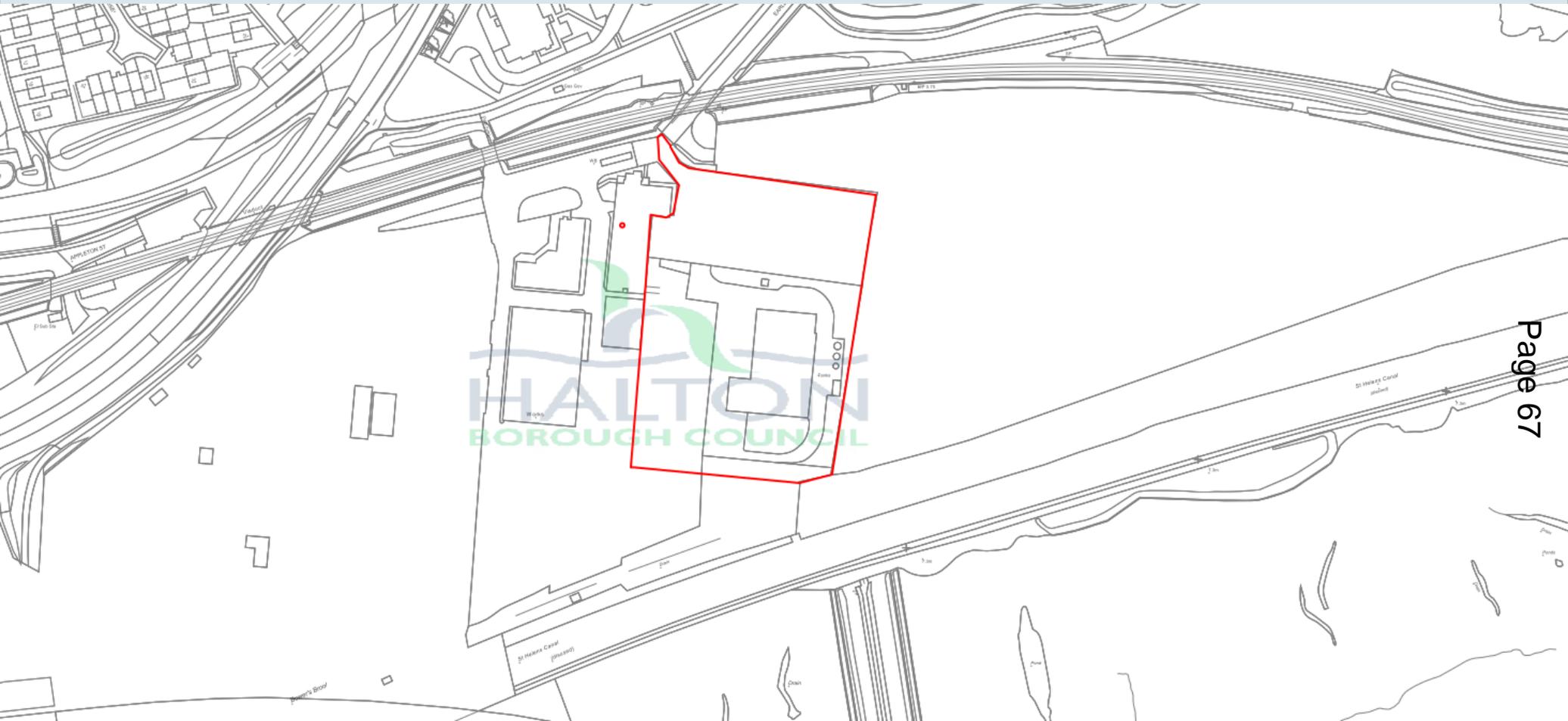
05 PROPOSED STREET ELEVATION 05

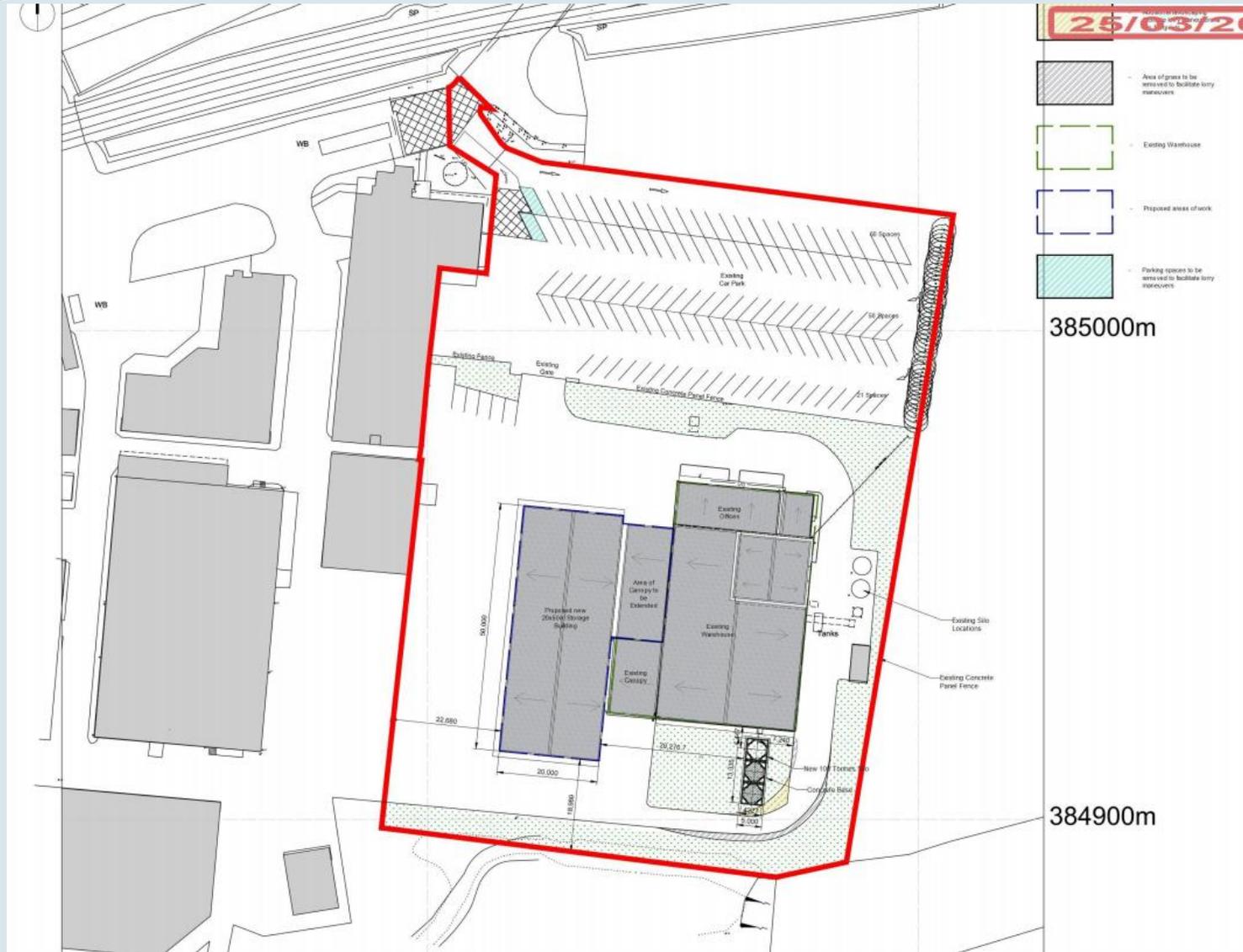


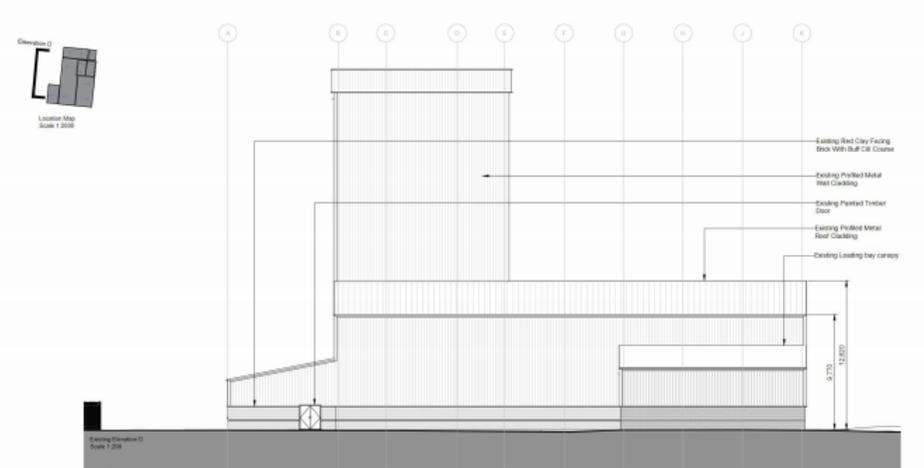
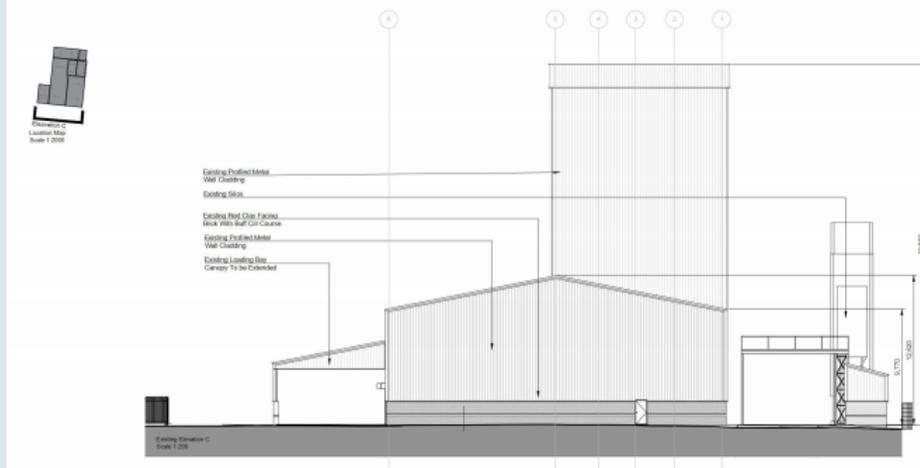
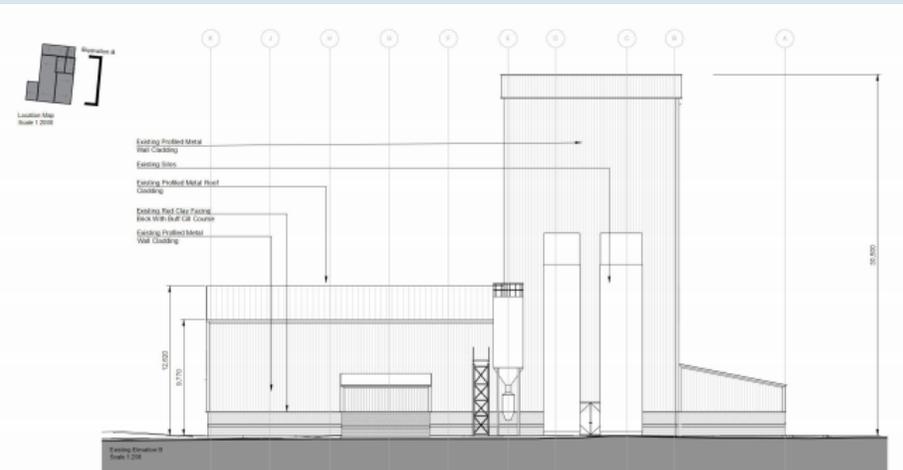
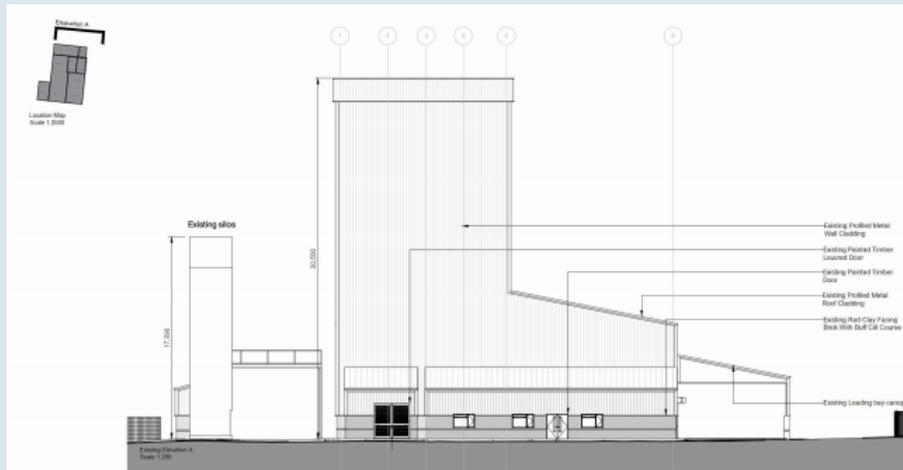
06 PROPOSED STREET ELEVATION 06





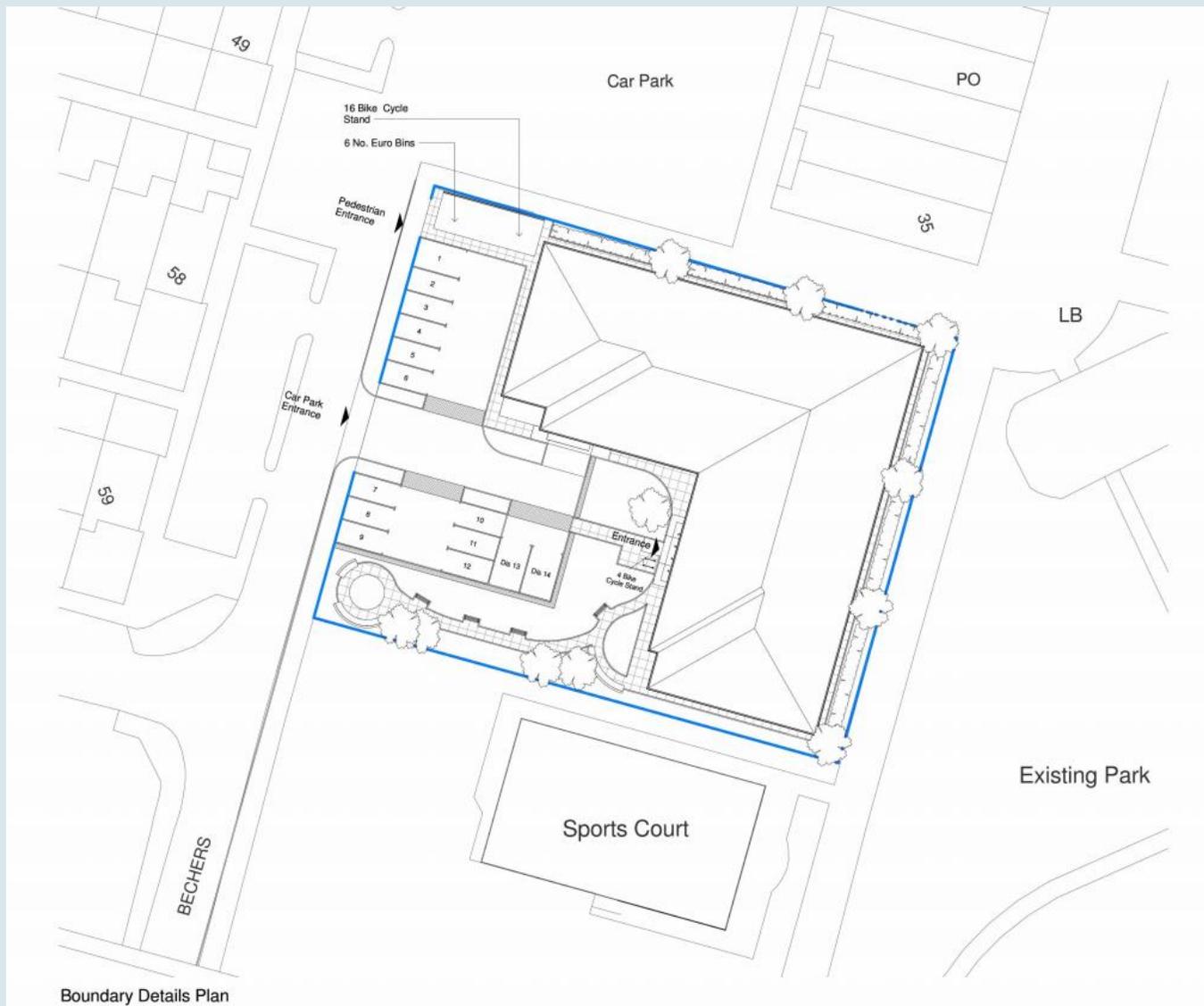
















Street Scene 1-1



Street Scene 2-2



Street Scene 3-3



Proposed Site Section A-A



Proposed Site Section B-B



Locator Plan  
1 : 500



